



**AGENDA**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE**  
**CITY OF PORT ORANGE**

**Meeting Date:** Wednesday, May 23, 2018

**Time:** 9:00 AM

**Type of Meeting:** Regular

**Location:** Council Chambers  
City Hall, 1000 City Center Circle

**A. CALL TO ORDER**

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes - May 9, 2018

**B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)**

**3. CEB Case No.: 17-1666**

**Respondent:** Home Sweet Home Services, LLC

**Address of Violation:** 914 N. Lakewood Terrace, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 04/20/2018

Compliance: No

**Cited for violation(s)** - Sixth Edition (2017) Florida Building Code, Section 105.1 (Permits Requested) as adopted by Chapter 8, Article 1 of the City of Port Orange Land Development Code.

**4. CEB Case No.: 17-1773**

**Respondent:** Matilde Stack

**Address of Violation:** 3734 Long Grove Lane, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 04/10/2018

Compliance: No

**Cited for violation(s)** - Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.6 Exterior Walls.

**C. ORDER IMPOSING FINE/LIEN**

**5. CEB Case No.:** 17-1642

**Respondent:** Valerie Potter

**Address of Violation:** 176 Iron Gate Circle, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 02/06/2018

Compliance: No

**Cited for violation(s)** - Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures; 108.1.3 Structure unfit for human occupancy; 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code and

Chapter 3, Section 301 General, 301.3 Vacant Structures and Land; Section 304, Exterior Structure, 304.13 Windows Skylight and door frames; and 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

**6. CEB Case No.:** 17-1397

**Respondent:** Lilly H. Ogden & Rose C.

**Address of Violation:** 43 Springwood Sq., Port Orange, FL 32129

**Code Officer:** Dennis Boehmer

**First Notified:** 02/02/2018

Compliance: No

**Cited for violation(s)** - Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

**7. CEB Case No.:** 18-310

**Respondent:** Stacey L. Algieri

**Address of Violation:** 5245 Sydney Street, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 03/02/2018

Compliance: No

**Cited for violation(s)** - Chapter 42, Section 42-26 Cleanliness of property generally - Duty of owner (d) maintenance of improved residential lots, and (f) garbage, waste, trash, etc. prohibited; Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances, and

Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code.

#### **D. ADJOURNMENT**

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, [CITYCLERK@PORT-ORANGE.ORG](mailto:CITYCLERK@PORT-ORANGE.ORG), AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

PORT ORANGE CODE ENFORCEMENT  
SPECIAL MAGISTRATE MINUTES  
COUNCIL CHAMBERS  
1000 CITY CENTER CIRCLE  
MAY 9, 2018

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:02 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector  
Deborah Pearson, Code Enforcement Manager  
Robin Fenwick, City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview of the Special Magistrate Code Enforcement Process.

Consideration of Minutes

Special Magistrate Fuller approved the April 25, 2018 meeting minutes as presented.

Oaths

Code Compliance Inspector Scott Allman was sworn in by Special Magistrate Fuller.

**B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)**

3. **CEB Case No.:** 18-236

**Respondent:** Donavan A. Huseman, Jr.

**Address of Violation:** 72 Brandy Hills Drive, Port Orange, FL 32129

**Code Officer:** Dennis Boehmer

**First Notified:** 03/29/2018

Compliance: Yes

**Cited for violation(s)** - City of Port Orange Code of Ordinances, Chapter 42, Section 42-32 (Storage of vehicles, furniture, etc.)

*Scott Allman, Code Compliance Inspector, on behalf of Dennis Boehmer, was sworn in by Special Magistrate Fuller and requested a dismissal as this case is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.*

4. **CEB Case No.:** 17-1882

**Respondent:** Barbara & Richard L. Divoll

**Address of Violation:** 164 Sweetgum Lane, Port Orange, FL 32129

**Code Officer:** Dennis Boehmer

**First Notified:** 03/23/2018

Compliance: No

**Cited for violation(s)** - City of Port Orange Code of Ordinances, Chapter 42, Section 42.26(d): Maintenance of improved residential lots

City of Port Orange Land Development Code, Chapter 16, Section 3(b), 4(b)(d): All fences shall be maintained in their original upright condition.

2017 Florida Building Code, 6th Edition, Section 105 (permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

*Mr. Allman requested a continuance of this case due to information the property was recently sold until June 13, 2018. Special Magistrate Fuller granted the request.*

5. **CEB Case No.:** 18-108

**Respondent:** Teresa Roddy

**Address of Violation:** 1225 Thomasina Drive, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 01/25/2018

Compliance: Yes

**Cited for violation(s)** - City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: Fences and walls. Modified (b) General provisions (4) Design and maintenance (b) All fences shall be maintained in their original upright condition. (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality. (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

Florida Building Code Chapter 1, Section 105 Permits 105.1 Required

*Mr. Allman appeared on behalf of Amanda Bonin requested a dismissal as this case is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.*

6. **CEB Case No.:** 18-141

**Respondent:** Jessica Lynn Lincicome

**Address of Violation:** 9 Raintree Drive, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 04/04/2018

Compliance: No

**Cited for violation(s)** - City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 2 (Nuisance Trees), Section 42-103, (Declaration of Nuisance), (a)(2); and

City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 (Cleanliness of property generally - Duty of Owner), (d) Maintenance of improved residential lots.

*Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before May 3, 2018 by removing both nuisance trees from the property and by mowing the entire yard and trimming all high weeds. Reinspection was conducted on May 7, 2018 and found the property remains in non-compliance.*

*Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before May 23, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$50.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Allman requested the property be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. An email from Margaret Tomlinson, Construction Manager and Landscape Architect, stating the trees are in fact dead and a nuisance. The cost sheet in the amount of \$34.14 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.*

*Special Magistrate Fuller granted the recommendations as presented. The property owner has until May 23, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection or a \$50.00 daily fine will be imposed. The property was found to be a health, safety, and wellness violation. The City has the option to abate the violations. The costs to date of \$34.14 will be ordered as well.*

### **C. ORDER IMPOSING FINE/LIEN**

**7. CEB Case No.: 17-1330**

**Respondent:** Jacques J. & Susan Lynn Rippe

**Address of Violation:** 120 Barefoot Trail, Port Orange, FL 32129

**Code Officer:** Dennis Boehmer

**First Notified:** 02/08/2018

Compliance: Yes

**Cited for violation(s)** - City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26 - Cleanliness of property generally - duty of owner (d) maintenance of improved residential lots, (f) Garbage, waste, trash, etc. prohibited, and (h) Abutting property owner maintenance of parkages; and Section 42-32 - Storage of vehicles, furniture, etc.

*Mr. Allman requested a dismissal as this case is in compliance with the Finding of Fact, Conclusion of Law & Order. Special Magistrate Fuller granted the dismissal request.*

**8. CEB Case No.: 17-1260**

**Respondent:** Joseph F. & Lisa Vallario

**Address of Violation:** 204 Avon Court, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 02/09/2018

Compliance: No

**Cited for violation(s)** - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (e) Maintenance of Unimproved residential lots and (h) Abutting property owner maintenance of parkages of the City of Port Orange Code of Ordinances.

*Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance on or before April 11, 2018 as ordered in the previous hearing on March 28, 2018 by the Special Magistrate. A reinspection was conducted on April 12, 2018 and showed the property remained in non-compliance. The cost sheet for mailing and recording costs in the amount of \$113.84 was tendered and submitted into evidence without objection. A fine in the amount of \$100 per day for 16 days was requested, plus abatement costs to the vendor in the amount of \$300.00 for a total due of \$2,013.84.*

*Special Magistrate Fuller found the property in non-compliance and awarded the total cost of \$2,013.84.*

9. **CEB Case No.:** 17-1939

**Respondent:** Rita Lombardi

**Address of Violation:** 807 Kokomo Circle, Port Orange, FL 32127

**Code Officer:** Amanda Bonin

**First Notified:** 02/20/2018

Compliance: Yes

**Cited for violation(s)** - City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and Walls. Modified (b) General Provisions (4) design and maintenance (a) and (b)

*Mr. Allman requested a dismissal as this case is in compliance with the Finding of Fact, Conclusion of Law & Order. Special Magistrate Fuller granted the dismissal request.*

**ADJOURNMENT** – 9:24 a.m.

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Special Magistrate David Fuller

Case Cost Sheet Log

Case No. 17-1666

| Name                          | Activity                                                                                        | Activity_Date | Status                                          | Cost    |
|-------------------------------|-------------------------------------------------------------------------------------------------|---------------|-------------------------------------------------|---------|
| Home Sweet Home Services, LLC | Cost to mail Notice of Violation/Notice of Hearing to 907 Beville Road, South Daytona, FL 32119 | 04/23/2018    | Green card was signed by J. Anderson on 4/25/18 | \$7.14  |
| Clerk of Court                | Fee to record Finding of Fact, Conclusion of Law, and Order                                     | 05/23/2018    |                                                 | \$27.00 |
| Home Sweet Home Services, LLC | Cost to mail Notice of Violation/Notice of Hearing to 907 Beville Road, South Daytona, FL 32119 | 05/23/2018    |                                                 | \$7.14  |

Total: 41.28



## NOTICE OF VIOLATION AND NOTICE OF HEARINGS

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CITY OF PORT ORANGE, FLORIDA

**SPECIAL MAGISTRATE**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1666

To: Home Sweet Home Services, LLC  
907 Beville Rd., Port Orange, FL 32129

Re: 914 N Lakewood Terrace

Port Orange, FL 32127

Parcel ID: 6316-07-00-0180

LEGAL DESCRIPTION: LOT 18 COUNTRYSIDE PUD UNIT III-B MB 38 PG 158 PER OR 4501 PG 0017 PER OR 7035 PG 3363 PER OR 7190 PGS 4359-4360

Volusia County Public Records

Volusia County, FL

An inspection of the premises on October 30, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given ten days to correct. A re-inspection was done on April 16, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 17, 2018**.

Briefly stated, the property is in violation of the following:

Sixth Edition (2017) Florida Building Code, Section 105.1 (Permits Required) as adopted by Chapter 8, Article 1 of the City of Port Orange Land Development Code.: Failure to Obtain a Building Permit: Any owner or 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 required 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 done, shall first make application to the building official and obtain the required permit.

- The initial inspection of this property found work being conducted on the property (porch enclosure) without a building permit. To correct the violation, the room must be restored to its original condition, or a building permit must be applied for and issued by the above date. A penalty will be added to the building permit for work without a permit.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

**NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED**

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.  
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate May 23, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.19 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

**NOTICE OF HEARING SETTING FINE AND LIEN**

In the event the **Special Magistrate**, during the hearing on **May 23, 2018**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **June 27, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5641.

DATED this 18 day of April, 2018.

CITY OF PORT ORANGE, FLORIDA  
**SPECIAL MAGISTRATE**

By: Scott Allman  
Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Home Sweet Home Services, LLC, 907 Beville Rd., Port Orange, FL 32129, RE: 914 N Lakewood Terrace, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: \_\_\_\_\_

☒ Posted at the property

Time: approx. 3:10 p.m.

this 20 day of April, 2018.

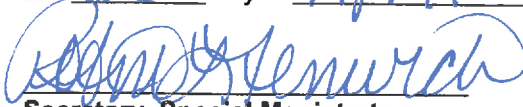
Scott Allman  
Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Home Sweet Home Services, LLC, 907 Beville Rd., Port Orange, FL 32129, RE: 914 N Lakewood Terrace, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

South Daytona, FL 32119  
this 23 day of April, 2018.

  
Secretary, Special Magistrate

**RIGHT TO APPEAL**

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

**ACCOMMODATIONS**

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

Case Cost Sheet Log

Case No. 17-1773

| Name           | Activity                                                                                                | Activity_Date | Status                          | Cost    |
|----------------|---------------------------------------------------------------------------------------------------------|---------------|---------------------------------|---------|
| Matilde Stack  | Cost to mail Notice of Violation/Notice of Hearings to 3834 Long Grove Lane, Port Orange, FL 32129      | 05/23/2018    | Green card returned "unclaimed" | \$7.14  |
| Clerk of Court | Fee to record Finding of Fact, Conclusion of Law, and Order                                             | 05/23/2018    |                                 | \$27.00 |
| Matilde Stack  | Cost to mail Finding of Fact, Conclusion of Law, & Order to 3834 Long Grove Lane, Port Orange, FL 32129 | 05/23/2018    |                                 | \$7.14  |

Total: 41.28



**NOTICE OF VIOLATION  
AND  
NOTICE OF HEARINGS**

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**CITY OF PORT ORANGE, FLORIDA**

**SPECIAL MAGISTRATE**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1773

To: Matilde Stack  
3834 Long Grove Lane  
Port Orange, FL 32129

Re: 3834 Long Grove Lane  
Port Orange, FL 32129  
Parcel ID: 6306-10-00-0170

LEGAL DESCRIPTION: LOT 17 A REPLAT OF THE GROVE PHASE B MB 43 PG 18 PER OR 4756 PG 2697 PER OR 5637 PG 2909  
Volusia County Public Records  
Volusia County, FL

An inspection of the premises on November 20, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 30 days to correct. A re-inspection was done on December 20, 2017, resulting in non-compliance. The most recent reinspection, completed on April 10, 2018, also resulted in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 1, 2018**.

Briefly stated, the property is in violation of the following:

1. Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances  
304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
  - The initial inspection of this property found the exterior siding and attic vent in disrepair. To correct the violation, the siding needs to be replaced and properly surface coated (painted) and the attic vent needs to be repaired or replaced.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

**NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED**

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.  
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate May 23, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.14 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

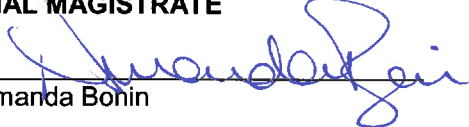
**NOTICE OF HEARING SETTING FINE AND LIEN**

In the event the **Special Magistrate**, during the hearing on **May 23, 2018**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **June 27, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5616.

DATED this 10<sup>th</sup> day of April, 2018.

CITY OF PORT ORANGE, FLORIDA  
**SPECIAL MAGISTRATE**

By: 

Amanda Bohin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Matilde Stack, RE: 3834 Long Grove Lane, Port Orange, FL 32129, was

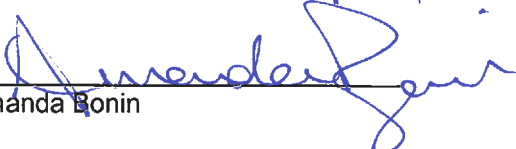
☐ Hand-delivered

Recipient of hand delivered documents: \_\_\_\_\_

☒ Posted at the property

Time: approx. 1:20pm

this 10<sup>th</sup> day of April, 2018.

  
Amanda Bohin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Matilde Stack, RE: 3834 Long Grove Lane, Port Orange, FL 32129, was

☐ Posted at City Hall

☒ Sent via certified and regular

this 11 day of April, 2018.

  
Secretary, Special Magistrate

#### RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

#### ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 17-1773

MATILDE STACK,

Respondent.

Property Address: 3834 Long Grove Lane Port Orange, FL 32129

Parcel ID: 6306-10-00-0170

**AFFIDAVIT OF PROPERTY POSTING**  
**NOTICE OF VIOLATION AND**  
**NOTICE FOR HEARING**

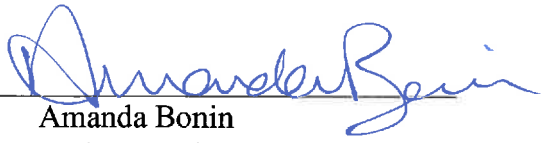
STATE OF FLORIDA  
COUNTY OF VOLUSIA

**BEFORE ME**, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 3834 Long Grove Lane, Port Orange, Florida 32129, is owned by Matilde Stack.
4. That 3834 Long Grove Lane, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 3834 Long Grove Lane, Port Orange, Florida 32129, at 1:20 p.m. on the 10<sup>th</sup> day of April 2018, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

**FURTHER AFFIANT SAYETH NOT.**

DATED this 10<sup>th</sup> day of April, 2018.

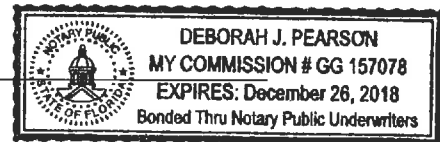
  
Amanda Bonin  
Code Compliance Inspector

**STATE OF FLORIDA  
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 10<sup>th</sup> day of April, 2018, by Amanda Bonin, who is personally known to me.

  
Notary Public, State of Florida

Commission No. \_\_\_\_\_



## Case Cost Sheet Log

Case No. 17-1642

| Name           | Activity                                                                                               | Activity_Date | Status                                                         | Cost    |
|----------------|--------------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------|---------|
| Valerie Potter | Cost to mail Notice of Violation/Notice of Hearings to 299 Morningside Avenue, Daytona Beach, FL 32118 | 02/06/2018    | Hand delivery obtained; certified mailing returned "unclaimed" | \$7.14  |
| Clerk of Court | Fee to record Finding of Fact, Conclusion of Law, and Order                                            | 03/14/2018    |                                                                | \$27.00 |
| Valerie Potter | Cost to mail Finding of Fact to 299 Morningside Avenue, Daytona Beach, FL 32118                        | 03/14/2018    | Certified mailing returned "unclaimed"                         | \$7.14  |
| Clerk of Court | Fee to record Order Imposing Fine/Lien                                                                 | 05/23/2018    |                                                                | \$44.00 |
| Valerie Potter | Cost to mail Order Imposing Fine/Lien to 299 Morningside Avenue, Daytona Beach, FL 32118               | 05/23/2018    |                                                                | \$7.14  |

Total: 92.42



**NOTICE OF VIOLATION  
AND  
NOTICE OF HEARINGS**

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**CITY OF PORT ORANGE, FLORIDA**

**SPECIAL MAGISTRATE**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1642

To:  
Valerie Potter  
299 Morningside Avenue  
Daytona Beach, FL 32118

Re: 176 Iron Gate Circle  
Port Orange, FL 32129  
Parcel ID: 6308-02-00-1760  
LEGAL DESCRIPTION: LOT 176 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3764 PG 2347

Volusia County Public Records  
Volusia County, FL

I Amanda Bonin, have been designated by Al Tischler, Interim Building Official for Case 17-1642, to determine the condition of this structure.

This property has been deemed an unsafe structure by the Interim Building Official Al Tischler.  
The relief sought is demolition of the unsafe structure.

An inspection of the premises on April 10, 2017, with the most recent inspection of February 2, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below via a notice of violation in a previous case (#17-473) which was then carried over to this case due to the severity.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **March 9, 2018**.

Briefly stated, the property is in violation of the following:

**Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.3 Structure unfit for human occupancy of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land**

**Development Code.** 3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.

5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.

7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

**Chapter 3, Section 301 General, 301.3 Vacant Structures and Land of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.** Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

**Chapter 3, Section 304 Exterior Structure, 304.13 Windows Skylight and door frames of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**Chapter 3, Section 304 Exterior Structure, 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.** Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

**The home is unsecured, and the windows are not structurally sound. This home is abandoned and neighbors have stated, kids are coming into the home. The floors have holes and is completely missing in some areas. This was also witnessed during the Code Enforcement Case in 2015 that was not corrected. To correct the violations, all doors and windows must be repaired, operable, and secured, the flooring needs to be replaced, and the home needs to be secured. The other option is to demolish the home as it continues to deteriorate and has become a public nuisance and a life safety and welfare concern. Building permits and structural certification will be required for repairs. A demolition permit is required for demolition.**

Attachments: ☐ Copy of code ☐ Copy of Deed ☐ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

#### **NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED**

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.  
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate March 14, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a

Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.14 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

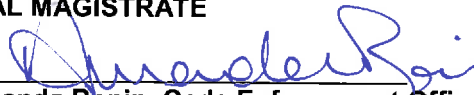
### NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **March 14, 2018**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **April 25, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5616.

DATED this 6<sup>th</sup> day of February, 2018.

CITY OF PORT ORANGE, FLORIDA  
**SPECIAL MAGISTRATE**

By:   
**Amanda Bonin, Code Enforcement Officer**

- ☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Valerie Potter 569 Coral Trace Blvd, Edgewater, FL 32132, RE: 176 Iron Gate Circle, Port Orange, FL 32129, was
- ☐ Hand-delivered      Recipient of hand delivered documents: VALERIE ALBERT
- ☐ Posted at the property

Time: approx. 5:40pm      this 6<sup>th</sup> day of FEBRUARY, 2018.

  
**Dennis Boehmer, Code Enforcement Officer**

- ☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Valerie Potter 569 Coral Trace Blvd, Edgewater, FL 32132, RE: 176 Iron Gate Circle, Port Orange, FL 32129 was
- ☒ Posted at City Hall
- ☐ Sent via certified and regular

this 7<sup>th</sup> day of February, 2018.

  
**Secretary, Special Magistrate**

#### RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

#### ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

**CITY OF PORT ORANGE, FLORIDA**

**SPECIAL MAGISTRATE**

**CITY OF PORT ORANGE,**

Petitioner,

vs.

CASE NO: 17-1642

**VALERIE POTTER,**

Respondent.

Property Address: 176 Iron Gate Circle  
Port Orange, FL 32129  
Parcel ID: 6308-02-00-1760

**AFFIDAVIT OF HAND DELIVERY**  
**NOTICE OF VIOLATION AND**  
**NOTICE OF HEARING**

**STATE OF FLORIDA**  
**COUNTY OF VOLUSIA**

**BEFORE ME**, the undersigned authority, personally appeared Dennis Boehmer, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 176 Iron Gate Circle, Port Orange, Florida 32129, is owned by Valerie Potter.
4. That 176 Iron Gate Circle, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 569 Coral Trace Blvd, Edgewater, Florida 32132, at 5:40 p.m. on the 6<sup>th</sup> day of

February 2018, to Valerie Albert (married name for Valerie Potter), who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

**FURTHER AFFIANT SAYETH NOT.**

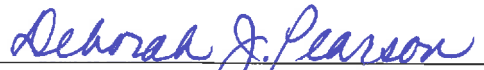
DATED this 7<sup>TH</sup> day of FEBRUARY, 2018.



Dennis Boehmer  
Code Compliance Inspector

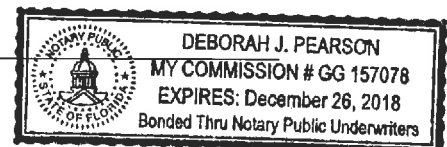
**STATE OF FLORIDA  
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 7<sup>th</sup> day of February, 2018, by Dennis Boehmer, who is personally known to me.



Notary Public, State of Florida

Commission No. \_\_\_\_\_



**CITY OF PORT ORANGE, FLORIDA  
CODE ENFORCEMENT SPECIAL MAGISTRATE  
CASE NO. 17-1642**

CITY OF PORT ORANGE,  
a Florida municipal corporation,

**Petitioner,**

VALERIE POTTER  
176 Iron Gate Circle  
Port Orange, FL 32118  
PARCEL ID #6308-02-00-1760

**Respondent.**

**FINDING OF FACT, CONCLUSION OF LAW AND ORDER**  
**(THIS DOES NOT CONSTITUTE A LIEN)**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 14, 2018, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

**FINDINGS OF FACT:**

A. Respondent(s), Valerie Potter, (hereinafter referred to as "Respondent(s)", whose mailing address is 299 Morningside Avenue, Daytona Beach, FL 32118, is/are the owner(s) of the property located at 176 Iron Gate Circle, Port Orange, FL 32129, and more particularly described as:

LOT 176 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3764 PG 2347

B. The property needs all doors and windows repaired to ensure they are operable and secured, the flooring needs to be replaced, the screen porch needs to be removed or replaced as it has been torn apart from the foundation, and the home needs to be secured or demolished. This condition was first observed at the real property described above on April 10, 2017; re-inspections were made on April 10, 2017 and March 9, 2018 and confirmed the condition as being the same. Respondent(s) received notice via hand delivery on February 6, 2017 and posting at City Hall on February 7, 2017, that the aforesaid conditions constituted a violation of Chapter 1, Section 108, 108.1.1 Unsafe Structures; 108.1.3 Structure unfit for human occupancy; 108.1.5 Dangerous Structure of premises; Chapter 3, Section 301; 301.3 Vacant Structures and Land; Section 304 Exterior Structure; 304.13 Windows Skylight and door frames; and 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, and was to be corrected by March 9, 2018.

C. At the time of this hearing, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until \_\_\_\_\_ [Date].

D. ☒ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

### **CONCLUSION OF LAW:**

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

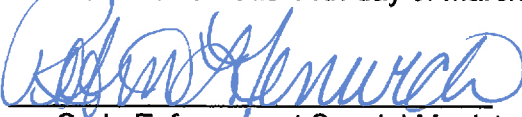
### **ORDER:**

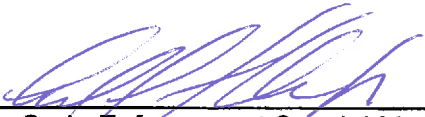
A. Respondent(s) shall correct the aforesaid violation by this repairing all doors and windows to ensure they are operable and secured, replacing the flooring, removing or replacing the screen porch that has been torn apart from the foundation, and securing the home. In the alternative, the structure can be demolished with proper permits being obtained. The violations must be corrected on or before March 29, 2018. ("Compliance Date"). In the event the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$250.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.28 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

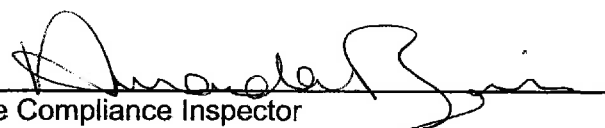
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

**DONE AND ORDERED** this 14th day of March, 2018.

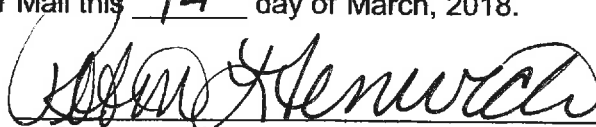
Attest:   
Secretary, Code Enforcement Special Magistrate

By:   
Code Enforcement Special Magistrate

**I HEREBY ACKNOWLEDGE AND AGREE** that the foregoing findings are true and accurate to the best of my knowledge.

  
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Valerie Potter, 299 Morningside Avenue, Daytona Beach, FL 32118 by Certified and Regular Mail this 14 day of March, 2018.

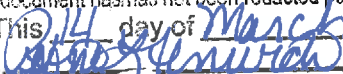


Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA

I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law.

This 14 day of March, 2018.  
By: 

/s/ Robin L. Fenwick



## Case Cost Sheet Log

Case No. 17-1397

| Name                   | Activity                                                                                | Activity_Date | Status                                                                                        | Cost    |
|------------------------|-----------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------------------|---------|
| Lilly H Ogden & Rose C | Cost to mail Notice of Violation/Notice of Hearings                                     | 02/05/2018    | Green card was signed by Mary Ellen Hagen on 2/9/18                                           | \$14.28 |
| Clerk of Court         | Fee to record Finding of Fact, Conclusion of Law, and Order                             | 03/14/2018    |                                                                                               | \$27.00 |
| Lilly H Ogden & Rose C | Cost to mail Finding of Fact to 1760 The Alameda Suite 100, San Jose, CA 95126          | 03/14/2018    | Green cards signed for by Mary Ellen Hogan on 3/19/18 (marked "deceased" on Lilly H. Ogden's) | \$14.28 |
| Clerk of Court         | Fee to record Order Imposing Fine/Lien                                                  | 05/23/2018    |                                                                                               | \$44.00 |
| Lilly H Ogden & Rose C | Cost to mail Order Imposing Fine/Lien to 1760 The Alameda Suite 100, San Jose, CA 95126 | 05/23/2018    |                                                                                               | \$14.28 |

Total: 113.84



**NOTICE OF VIOLATION  
AND  
NOTICE OF HEARINGS**

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**CITY OF PORT ORANGE, FLORIDA**

**SPECIAL MAGISTRATE**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1397

To: Rose C. & H. Ogden Lily  
1760 The Alameda Suite 100  
San Jose, CA. 95126

Re: 43 Springwood Sq.

Port Orange, FL 32129

Parcel ID: 6337-15-00-0430

LEGAL DESCRIPTION: LOT 43 SPRINGWOOD SQUARE MB 36 PG 178 PER OR 2356 PG 0430

Volusia County Public Records

Volusia County, FL

An inspection of the premises on September 21, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 90 days to correct. A re-inspection was done on January 2, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by March 5, 2018.

Briefly stated, the property is in violation of the following:

**Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**304.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

The violation is the missing deck/balcony for listed property. To comply, a deck/balcony needs to be installed by a licensed contractor, obtaining the proper permit for the job.

Attachments: ☐ Copy of code

☐ Copy of Deed

☐ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

**NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED**

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.  
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate March 14, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$\_\_\_\_\_ as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

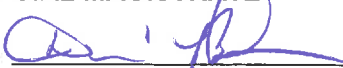
**NOTICE OF HEARING SETTING FINE AND LIEN**

In the event the **Special Magistrate**, during the hearing on **March 14, 2018**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement **Special Magistrate on April 25, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5643.

DATED this 2ND day of FEBRUARY, 2018.

CITY OF PORT ORANGE, FLORIDA  
**SPECIAL MAGISTRATE**

By:   
Dennis Boehmer

- ☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Rose C. & H. Ogden Lily 43 Springwood Sq. Port Orange, FL 32129, RE: 43 Springwood Sq. Port Orange, FL 32129, was
- ☐ Hand-delivered Recipient of hand delivered documents: \_\_\_\_\_
- ☒ Posted at the property

this 2ND day of FEBRUARY, 2018.

Time: approx. 11:30 AM

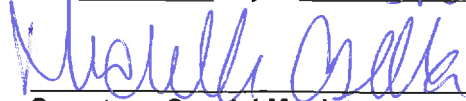
  
Dennis Boehmer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Rose C. & H. Ogden Lily 1760 The Alameda Suite 100 San Jose, CA. 95126, RE: 43 Springwood Sq. Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 5<sup>th</sup> day of February, 2018.

  
Secretary, Special Magistrate

#### RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

#### ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

**Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**304.10 Stairways, decks, porches and balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.



## Volusia County Property Appraiser

**Larry Bartlett, J.D.**

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Parcel Information: 6337-15-00-0430 2018 Working Tax Roll Last Updated: 01-24-2018

### Owner Name and Address

|                       |                                    |                      |                             |
|-----------------------|------------------------------------|----------------------|-----------------------------|
| Alternate Key         | 3686276                            | Parcel Status        | Active Parcel (Real Estate) |
| Short Parcel ID       | 6337-15-00-0430                    | Mill Group           | 402 Port Orange             |
| Full Parcel ID        | 37-16-33-15-00-0430                | 2017 Final Mill Rate | 19.34090                    |
| Created Date          | 31 DEC 1981                        |                      |                             |
| Property Class        | 01 Single Family                   |                      |                             |
| Ownership Type        |                                    | Ownership Percent    | 100                         |
| Owner Name            | LILLY H OGDEN & ROSE C             |                      |                             |
| Owner Name/Address 1  |                                    |                      |                             |
| Owner Address 2       | 1760 THE ALAMEDA SUITE 100         |                      |                             |
| Owner Address 3       | SAN JOSE CA                        |                      |                             |
| Owner Zip/Postal Code | 95126                              |                      |                             |
| Situs Address         | 43 SPRINGWOOD SQ PORT ORANGE 32129 |                      |                             |

### Legal Description

LOT 43 SPRINGWOOD SQUARE MB 36 PG 178 PER OR 2356 PG 0430

### Sales History

| Book | Page | Sale Date | Sale Instrument | Qualified<br>Unqualified | Improved | Sale Price |
|------|------|-----------|-----------------|--------------------------|----------|------------|
| 2356 | 0488 | 05/1982   | Warranty Deed   | Qualified Sale           | Yes      | 50,000     |
| 2290 | 0017 | 08/1981   | Warranty Deed   | Unqualified Sale         | Yes      | 26,800     |

### History of Values

| Year | Land  | Bldg(s) | Misc. Impr. | Just Value | School Assessed | Non-School Assessed | School Exemption | School Taxable | Non-School Exemption | Non-School Taxable |
|------|-------|---------|-------------|------------|-----------------|---------------------|------------------|----------------|----------------------|--------------------|
| 2017 | 5,500 | 56,397  | 0           | 61,897     | 61,897          | 45,509              | 0                | 61,897         | 0                    | 45,509             |
| 2016 | 5,500 | 39,619  | 0           | 45,119     | 45,119          | 41,372              | 0                | 45,119         | 0                    | 41,372             |

Display Value History

### Land Data

| Code                                | Land Use Type          | Frontage | Depth | No. Units | Unit Type      | Rate    | Depth | Loc | Shp | Phy | Just Value |
|-------------------------------------|------------------------|----------|-------|-----------|----------------|---------|-------|-----|-----|-----|------------|
| 0108                                | IMP ATCHD UT SEP OWNED | 0.0      | 0.0   | 1.00      | UNIT BUILDABLE | 5500.00 | 100   | 100 | 100 | 100 | 5,500      |
| Neighborhood 5284 SPRINGWOOD SQUARE |                        |          |       |           |                |         |       |     |     |     |            |
| Total Land Classified               |                        |          |       |           |                |         |       |     |     |     | 0          |
| Total Land Just                     |                        |          |       |           |                |         |       |     |     |     | 5,500      |

### Building Characteristics

Building Number: 120536 (Building 1 of 1)

| Bldg. No.  | Improvement Type | Base Perimeter | Year Built | Quality Grade | Architecture   | Phys. Depr. | Func. Obs.       | Loc. Obs. | Next Review |
|------------|------------------|----------------|------------|---------------|----------------|-------------|------------------|-----------|-------------|
| 120536     | Single Family    | 116            | 1981       | 275           |                | 31%         | 0%               | 0%        | 2999        |
| Roof Type  | FLAT             | Floors         |            | Carpet        | Bedrooms       | 2           | 4 Fixture Bath 0 |           |             |
| Roof Cover | TAR and GRAVEL   | Wall Type      |            | Plaster       | X Fixture Bath | 0           | 5 Fixture Bath 0 |           |             |
| Heat Type1 | Forced Ducted    | Heat Source1   |            | Electricity   | 2 Fixture Bath | 1           | 6 Fixture Bath 0 |           |             |
| Heat Type2 |                  | Heat Source2   |            |               | 3 Fixture Bath | 1           | 7 Fixture Bath 0 |           |             |
| Foundation | Concrete Slab    | Year Remodeled |            |               | Fireplaces     | 0           | A/C Yes          |           |             |

| Section Number | Area Type                    | Exterior Wall Type | Number Stories | Year Built | Attic Finish | Bsmt Area | Bsmt Finish | Floor Area   |
|----------------|------------------------------|--------------------|----------------|------------|--------------|-----------|-------------|--------------|
| 001            | Res BASE Area (BAS)          | C B STUCCO         | 1.0            | 1981       | N            | 0%        |             | 621 Sq. Feet |
| 002            | Porch, Open Unfinished (UOP) | Non-Applicable     | 1.0            | 1981       | N            | 0%        |             | 120 Sq. Feet |
| 003            | Patio (PTO)                  | Non-Applicable     | 1.0            | 1981       | N            | 0%        |             | 96 Sq. Feet  |
| 004            | Upper Story, Finished (FUS)  | Non-Applicable     | 1.0            | 1981       | N            | 0%        |             | 621 Sq. Feet |
| 005            | Wood Deck (WDK)              | Non-Applicable     | 1.0            | 1981       | N            | 0%        |             | 120 Sq. Feet |

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 17-1397

Rose C. & H. Ogden Lily,  
Respondent.

Property Address: 43 Springwood Sq. Port Orange, FL 32129  
Parcel ID: 6337-15-00-0430

**AFFIDAVIT OF PROPERTY POSTING**  
**NOTICE OF VIOLATION AND**  
**NOTICE FOR HEARING**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

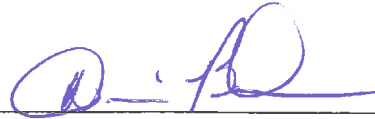
**BEFORE ME**, the undersigned authority, personally appeared Dennis Boehmer, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 43 Springwood Sq. Port Orange, Florida 32129, is owned by Rose C. & H. Ogden Lily.
4. That 43 Springwood Sq. Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 43 Springwood Sq. Port Orange, Florida 32129, at 1130 a.m. on the 02nd day of February 2018, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and

Request is attached hereto and made a part hereof.

**FURTHER AFFIANT SAYETH NOT.**

DATED this 2nd day of February 2018.



Dennis Boehmer  
Code Compliance Inspector

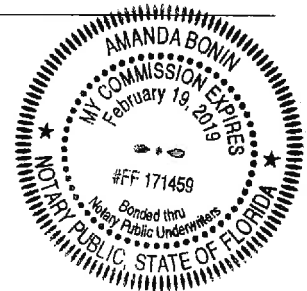
**STATE OF FLORIDA  
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 2nd day of February, 2018, by Dennis Boehmer, who is personally known to me.



Notary Public, State of Florida

Commission No. \_\_\_\_\_



**CITY OF PORT ORANGE, FLORIDA  
CODE ENFORCEMENT SPECIAL MAGISTRATE  
CASE NO. 17-1397**

CITY OF PORT ORANGE,  
a Florida municipal corporation,

**Petitioner,**

ROSE C. & LILLY H. OGDEN  
43 Springwood Square  
Port Orange, FL 32129  
PARCEL ID #6337-15-00-0430

**Respondent.**

/

**FINDING OF FACT, CONCLUSION OF LAW AND ORDER**  
**(THIS DOES NOT CONSTITUTE A LIEN)**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 14, 2018, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

**FINDINGS OF FACT:**

A. Respondent(s), Rose C. & Lilly H. Ogden, (hereinafter referred to as "Respondent(s)", whose mailing address is 1760 The Alameda Suite 100, San Jose, CA 95126, is/are the owner(s) of the property located at 43 Springwood Square, Port Orange, FL 32129, and more particularly described as:

LOT 43 SPRINGWOOD SQUARE MB 36 PG 178 PER OR 2356 PG 0430

B. The violation is the missing deck/balcony. To comply, a deck/balcony needs to be installed by a licensed contractor, obtaining the proper permit for the job. This condition was first observed at the real property described above on September 21, 2017; re-inspections were made on January 2, 2018 and March 13, 2018 and confirmed the condition as being the same. Respondent(s) received notice via hand delivery on February 6, 2017 and posting at City Hall on February 7, 2017, that the aforesaid conditions constituted a violation of Chapter 1, Section 108, 108.1.1 Unsafe Structures; 108.1.3 Structure unfit for human occupancy; 108.1.5 Dangerous Structure of premises; Chapter 3, Section 301; 301.3 Vacant Structures and Land; Section 304 Exterior Structure; 304.13 Windows Skylight and door frames; and 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, and was to be corrected by March 5, 2018.

C. At the time of this hearing, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until \_\_\_\_\_ [Date].

D. ☐ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

### **CONCLUSION OF LAW:**

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

### **ORDER:**

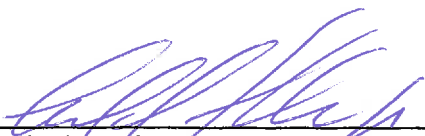
**A.** Respondent(s) shall correct the aforesaid violation by replacing the missing deck/balcony. The deck/balcony must be installed by a licensed contractor with a property permit. The violations must be corrected on or before May 13, 2018. ("Compliance Date"). In the event the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$250.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$55.56 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

**B.** The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

**C.** A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

**DONE AND ORDERED** this 14th day of March, 2018.

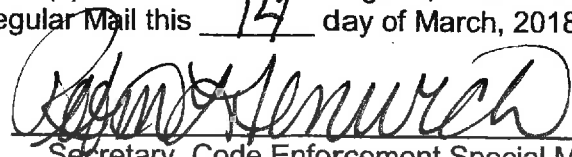
Attest:   
Secretary, Code Enforcement Special Magistrate

By:   
Code Enforcement Special Magistrate

**I HEREBY ACKNOWLEDGE AND AGREE** that the foregoing findings are true and accurate to the best of my knowledge.

  
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Rose C. & Lilly H. Ogden, 1760 The Alameda Suite 100, San Jose, CA 95126 by Certified and Regular Mail this 14 day of March, 2018.



Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA  
I HEREBY CERTIFY the foregoing is a true copy  
of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law.

This 14 day of March, 2018.  
By: 

/s/ Robin L. Fenwick



## Case Cost Sheet Log

Case No. 18-310

| Name              | Activity                                                                                                                                | Activity_Date | Status                          | Cost    |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------------------------|---------|
| Stacey L. Algieri | Cost to mail the Notice of Violation/Notice of Hearings to 5245 Sydney Street, Port Orange, FL 32127 via regular and certified mail     | 03/06/2018    | Both mailings returned "vacant" | \$7.14  |
| Clerk of Court    | Fee to record Finding of Fact, Conclusion of Law and Order                                                                              | 04/11/2018    |                                 | \$27.00 |
| Stacey L. Algieri | Cost to mail the Finding of Fact, Conclusion of Law & Order to 5245 Sydney Street, Port Orange, FL 32127 via regular and certified mail | 05/23/2018    |                                 | \$7.14  |
| Clerk of Court    | Fee to record Order Imposing Fine/Lien                                                                                                  | 05/23/2018    |                                 | \$44.00 |
| Stacey L. Algieri | Cost to mail the Order Imposing Fine/Lien to 5245 Sydney Street, Port Orange, FL 32127 via regular and certified mail                   | 05/23/2018    |                                 | \$7.14  |

Total: 92.42



**NOTICE OF VIOLATION  
AND  
NOTICE OF HEARINGS**

---

**CITY OF PORT ORANGE, FLORIDA**

**SPECIAL MAGISTRATE**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-310

To: Stacey L. Algieri  
5245 Sydney St  
Port Orange, FL 32127

Re: 5245 Sydney St  
Port Orange, FL 32127  
Parcel ID: 6315-07-22-0030

LEGAL DESCRIPTION: LOT 3 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104 THRU 106 PER  
OR 4621 PG 3468  
Volusia County Public Records  
Volusia County, FL

An inspection of the premises on MARCH 1, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations via Notice of Violation and Notice of Hearing.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by April 5, 2018.

Briefly stated, the property is in violation of the following:

1. City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 Cleanliness of property generally-Duty of owner (d) Maintenance of improved residential lots. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.
  - The initial inspection of this property found high weeds and grass. To correct the violation, the property needs to be mowed and all high weeds trimmed.
2. Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (f) Garbage, waste, trash, etc., prohibited.
  - The initial inspection of the property found garbage and debris. To correct the violation, all garbage and debris must be removed from the property.
3. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
  - The initial inspection of the property found stored items in the yard. To correct the violation, all outdoor stored items must be removed from the property.
4. Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code.
  - The initial inspection of the property found a damaged stockade fence. To correct the violation, the fence must be repaired to its original and upright condition or removed from the property.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

### **NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED**

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.  
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** April 11, 2018, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.14 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

### **NOTICE OF HEARING SETTING FINE AND LIEN**

In the event the **Special Magistrate**, during the hearing on April 11, 2018, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on May 23, 2018, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5641.

DATED this 2<sup>nd</sup> day of MARCH, 2018.

CITY OF PORT ORANGE, FLORIDA  
SPECIAL MAGISTRATE

By: J. Scott Allman  
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Stacey L. Algieri, 5245 Sydney St, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: \_\_\_\_\_

☒ Posted at the property

this 5th day of March, 2018.

Time: approx. 1.55 pm.



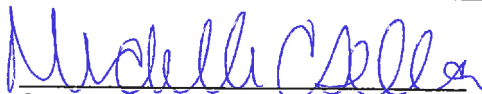
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Stacey L. Algieri, 5245 Sydney St, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 6th day of March, 2018.



Secretary, Special Magistrate

#### RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

#### ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.