



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, June 24, 2020

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 19-0625
Respondent: Andres & Maria Masci
Address of Violation: 5440 Ridgewood Avenue, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 4/23/2019

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (c) (Maintenance of commercial and industrial zoned lots) of the City of Port Orange Code of Ordinances.

City of Port Orange Land Development Code, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-314. - Landscaping and Buffers - Maintenance criteria (a) Approved landscape plans (1) Trees (2) Shrubs (3) lawns (5) Other planting areas (d) (1) (2) (3) (4) (5) (6) (7).

Section 14-315. - Same - Replacement criteria (a) Landscape planting (b) Buffer planting (c) Natural areas.

Section 14-318.- Other property improvements; maintenance criteria: (c) Walls and Fences (3) (d) Trash, litter and debris.

City of Port Orange Land Development Code, Chapter 3 (Administration), Article I (Code Administration), Section 4 (Development order), (e) Modification of a development order, (3)

City of Port Orange Land Development Code, Chapter 3 (Administration), Article II (Non-

conforming Provisions), Section 8 (Nonconforming Provisions) (c) Nonconforming uses of land and structure (1)

2018 Florida Building Code, 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: 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.

4. **CEB Case No.:** 19-976

Respondent: Todd A & Tanya N Stiffler

Address of Violation: 1617 Town Park Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 6/28/2019

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code Chapter 10 Clearing Grading and Stormwater Management. Article 1 Clearing and Grading, Section 1 Purpose and Intent.

City of Port Orange Land Development Code Chapter 10 Clearing Grading and Stormwater Management. Article 1 Clearing and Grading, Section 2 Permit Requirements for Change of Grade.

5. **CEB Case No.:** 19-977

Respondent: Chelsea E Heck

Address of Violation: 1619 Town Park Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 6/28/2019

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code Chapter 10 Clearing Grading and Stormwater Management. Article 1 Clearing and Grading, Section 1 Purpose and Intent.

City of Port Orange Land Development Code Chapter 10 Clearing Grading and Stormwater Management. Article 1 Clearing and Grading, Section 2 Permit Requirements for Change of Grade.

6. **CEB Case No.:** 20-536

Respondent: Dave Robinson Builder & Dev Co

Address of Violation: Clyde Morris Blvd, Port Orange FL 32129 Rights of Way

Code Officer: Amanda Bonin

First Notified: 3/20/2020

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-317 - parking, sidewalk and driveway areas (a)

C. ORDER IMPOSING FINE/LIEN

7. **CEB Case No.:** 18-887 (continued from 8/8/18)

Respondent: Beacon Coast Investments HOA

Address of Violation: 5467 St. Regis Way, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 3/5/2018

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code Chapter 10, Clearing, Grading, and Stormwater Management, Article 2 Stormwater Management, Section 13, Maintenance.

D. ADJOURNMENT

NOTICES — PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.



FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) 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 OR HEARING DATE.



HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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, 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 OR HEARING 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
PORT ORANGE, FLORIDA
MAY 27, 2020

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:00 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Compliance Inspector
Amanda Bonin, Code Compliance Inspector
Dennis Boehmer, Code Compliance Inspector
Scott Allman, Code Compliance Inspector
Debbie Pearson, Code Enforcement Manager
Shelby Field, Assistant City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview of the code enforcement process as there were members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the March 11, 2020 meeting minutes as presented.

Oaths

Code Compliance Inspectors Dena Joseph, Amanda Bonin, Dennis Boehmer, Scott Allman and Deborah Pearson Code Compliance Manager were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 20-0101
Respondent: Scott Theodore Zyrowski
Address of Violation: 191 Gibson Way, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 1/20/2020

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (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.

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Chapter 3, Section 304 (Exterior Structure) 304.1 (General), 304.6 (Exterior Walls), of the 2018 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3, Section 304 (Exterior Structure) 304.1 (General), 304.15 (Doors), of the 2018 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Dennis Boehmer, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by February 22, 2020 by keeping the fence in its original upright condition, with any and all broken or missing pickets repaired and/or replaced. A permit from the Building Department of the City of Port Orange was to be obtained and paid for in the event the fence is replaced. Cleaning up and removing all garbage, trash, and debris from the property, properly storing all outside stored items inside an enclosed building or remove them from the property, repainting the exterior walls of the home and the garage door must be replaced. A permit from the Building Department of the City of Port Orange must be obtained prior to replacing the garage door.

Michael Sandusky, neighbor, was sworn in by Special Magistrate Fuller and testified that the property owner has recently started bringing in vagrants who are living in tents in the backyard. Special Magistrate replied that isn't one of the issues being discussed today. He stated the trash issue has been getting worse and worse.

George Kedenberg, neighbor, was sworn in by Special Magistrate Fuller and testified to the past issues with the property owner and how it has gotten worse lately. He recently found assorted trash items in his own driveway.

Scott Zyrwoski, property owner, spoke regarding his mental disabilities, treatment he is receiving and job struggles.

Judith Langer, neighbor, was sworn in by Special Magistrate Fuller and testified to the issues she's faced living near Mr. Zyrowski including noise and trash complaints.

Tammy Sandusky, neighbor, was sworn in by Special Magistrate Fuller and testified to being fearful of Mr. Zyrowski and how long this has been going on.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before June 1, 2020 by removing all outside storage of items to an enclosed space, removing all trash and debris on the property,

repairing/replacing/removing the wood privacy fence, painting the front of the home to include painting the front door, boarding up the garage door until a new garage door can be installed which will require a permit from city hall. 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 in the amount of \$100.00 per day shall be assessed for each day the property remains in noncompliance. 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. Boehmer requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Mr. Zyrowski did not dispute any of the claims and took full responsibility for the violations. He believes he can bring the property into compliance by June 1, 2020.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until June 1, 2020 to remove all outside storage of items to an enclosed space, remove all trash and debris on the property, repair/replace/remove the wood privacy fence, paint the front of the home to include painting the front door, board up the garage door until a new garage door can be installed (which will require a permit from city hall) or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

4. **CEB Case No.:** 20-0352

Respondent: Richard J. Marion Estate

Address of Violation: 80 Springwood Square, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 3/3/2020

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (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.

Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure 304.1

(General), as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.7 Roofs and drainage.

Mr. Boehmer testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by March 22, 2020 by repairing the fence to its original and upright condition or removing it from the property; mowing, trimming, removing all weeds and blow all debris back onto the property; picking up and removing all garbage, trash, and debris from the property; repairing or replacing all rotting and damaged soffits and the Mansard roof must be repaired or replaced. A permit from the City of Port Orange Building Department is required to be issued and paid for in the case of roof replacement.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before June 3, 2020 by repairing the fence to its original and upright condition or removing it from the property; mowing, trimming, removing all weeds and blow all debris back onto the property; picking up and removing all garbage, trash, and debris from the property; repairing or replacing all rotting and damaged soffits and the Mansard roof must be repaired or replaced. A permit from the City of Port Orange Building Department is required to be issued and paid for in the case of roof replacement. 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 in the amount of \$100.00 per day shall be assessed for each day the violation remains noncompliance. 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. Boehmer requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until June 3, 2020 to repair the fence to its original and upright condition or remove it from the property; mow, trim, remove all weeds and blow all debris back onto the property; pick up and remove all garbage, trash, and debris from the property; repair or replace all rotting and damaged soffits and the Mansard roof must be repaired or replaced. A permit from the City of Port Orange Building Department is required to be issued and paid for in the case of roof replacement or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

Deborah Pearson, Code Compliance Manager, asked to hear cases # 12 and # 18 out of order as there were members of the public present. Special Magistrate Fuller granted the request.

5. CEB Case No.: 20-0301

Respondent: Gil Lichtenstein

Address of Violation: 907 Second Street, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 2/25/2020

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, 304.1 (general), as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.7 Roofs and drainage.

Mr. Boehmer testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by March 26, 2020 by mowing the yard of all high weeds and grass; removing all the unlicensed/inoperable vehicles to a garage or covering them with an approved car or motorcycle cover; removing all outside storage to an enclosed space/shed or garage; and having the roof and soffits replaced/repared by a licensed contractor with a permit for all work to be pulled from the City of Port Orange.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before June 6, 2020 by mowing the yard of all high weeds and grass; removing all the unlicensed/inoperable vehicles to a garage or covering them with an approved car or motorcycle cover; removing all outside storage to an enclosed space/shed or garage; and having the roof and soffits replaced/repared by a licensed contractor with a permit for all work to be pulled from the City of Port Orange. 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 in the amount of \$100.00 per day shall be assessed for each day the violation remains noncompliance. 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. Boehmer requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until June 6, 2020 to mow the yard of all high weeds and grass; remove all the unlicensed/inoperable vehicles to a garage or cover them with an approved car or motorcycle cover; remove all outside storage to an enclosed space/shed or garage; and have the roof and soffits replaced/repared by a licensed contractor with a permit for all work to be pulled from the City of Port Orange or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

6. **CEB Case No.:** 20-300

Respondent: Kristina Lewis

Address of Violation: 1417 Florida Moss Lane, Port Orange, FL 32128

Code Officer: Daniel Bungart

First Notified: 2/25/2020

Compliance: Yes

Cited for violation(s) - 2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.1.1 Unsafe Conditions.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

7. **CEB Case No.:** 18-452

Respondent: Charlie Molineaux Jr.

Address of Violation: 722 Dove Avenue, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 4/2/2018

Compliance: No

Cited for violation(s) - Sixth Edition (2017) Florida Building Code, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 14, Article II, of the City of Port Orange Code of Ordinances: **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 permits.

Ms. Bonin requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

8. **CEB Case No.:** 20-451

Respondent: Justin Kirby

Address of Violation: 6026 Wesley Park Drive, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 3/9/2020

Compliance: No

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

Ms. Bonin testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by maintaining all vehicles at all times with either a current tag or covered with an approved car cover.

The property is now in compliance; however, Ms. Bonin recommended the property owners be found in repeat violation of the above referenced codes as the property was not in compliance with the Notice of Hearing. Ms. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. No fines were imposed.

9. **CEB Case No.:** 20-0307

Respondent: Patrick R. Rosenkjar, Trustee

Patrick R. Rosenkjar, Revocable Trust

Address of Violation: 5822 Southport Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 2/21/2020

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 74 (Utilities), Article VII (Water Conservation), Section 74-219 (Additional Requirements): Any Person who purchases and installs an automatic landscape irrigation system shall properly install, maintain, and operate the system that inhibits or interrupts operation of the system during periods of sufficient moisture.

Mr. Allman requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

10. **CEB Case No.:** 20-0151

Respondent: Charles D. Stasey

Address of Violation: 575 Moonpenny Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 1/30/2020

Compliance: Yes

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

Mr. Allman requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

11. **CEB Case No.:** 20-0226
 Respondent: Ava Mina, LLC Property Owner
 c/o Ashraf Elsagr, MD, Registered Agent
 Address of Violation: 959 Village Trail, Port Orange, FL 32127
 Code Officer: Scott Allman
 First Notified: 2/10/2020

Compliance: Yes

Cited for violation(s) - Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Mr. Allman requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

12. **CEB Case No.:** 19-1576
 Respondent: Marier Investment, LLC Property Owner
 Address of Violation: 4460 Spruce Creek Road, Port Orange, FL 32127
 Code Officer: Scott Allman
 First Notified: 10/31/2019

Compliance: No

Cited for violation(s) - 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.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by April 16, 2020 by obtaining a building permit for the roof and trusses that have been installed and for the new block walls and all structural components.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before June 10, 2020 by obtaining a building permit for the roof and trusses that have been installed and for the new block walls and all structural components. 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 in the amount of \$100.00 per day shall be assessed for each day the violation continues passed 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 any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Thomas Huger, building contractor, was sworn in by Special Magistrate Fuller and explained the recommendations he's made to the owner. They currently still need an engineer.

Special Magistrate Fuller granted the recommendation with an amendment. The property owner has until June 10, 2020 to apply for a building permit for the roof and trusses that have been installed and for the new block walls and all structural components or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

13. **CEB Case No.:** 20-0271

Respondent: Frankie Lee Johnson

Address of Violation: 5201 Rogers Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 2/20/2020

Compliance: Yes

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

Ms. Joseph requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

14. **CEB Case No.:** 20-0195

Respondent: Renee Wendell

Address of Violation: 1419 Breaks Way, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 2/4/2020

Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances.

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Ms. Joseph requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

15. **CEB Case No.:** 20-0179
 Respondent: Edie Favreau
 Address of Violation: 4700 Ridgewood Avenue, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 1/24/2020

Compliance: Yes

Cited for violation(s) - Chapter 42, (Nuisances), Article V (Unsafe Conditions), Division 2 (Nuisance trees), Sec. 42-103 (Declaration of a nuisance) (a) (2) of the City of Port Orange Code of Ordinances.

Ms. Joseph requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

16. **CEB Case No.:** 20-0294
 Respondent: Mark E. Davison
 Address of Violation: 310 Grant Street, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 2/25/2020

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by mowing the entire property to include weed eating, removing any fallen limbs and yard debris, and blowing grass clippings back onto the property.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before June 3, 2020 by mowing the entire property to include weed eating, removing any fallen limbs and yard debris, and blowing grass clippings back onto the property. 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 one-time fine in the amount of \$1,000.00 shall be assessed. 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. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until June 3, 2020 to mow the entire property to include weed eating, removing any fallen limbs and yard debris, and blow grass clippings back onto the property or a one-time fine in the amount of \$1,000.00 shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

17. CEB Case No.: 20-0295

Respondent: Mark E. & Cecelia K. Davison

Address of Violation: 312 Grant Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 2/25/2020

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by mowing the entire property to include weed eating, removing any fallen limbs and yard debris, and blowing grass clippings back onto the property.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before June 3, 2020 by mowing the entire property to include weed eating, removing any fallen limbs and yard debris, and blowing grass clippings back onto the property. 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 one-time fine in the amount of \$1,000.00 shall be assessed. 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. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until June 3, 2020 to mow the entire

property to include weed eating, removing any fallen limbs and yard debris, and blow grass clippings back onto the property or a one-time fine in the amount of \$1,000.00 shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

18. **CEB Case No.:** 20-0037

Respondent: Allan R. Thompson

Address of Violation: 5827 Ridgewood Ave, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/13/2020

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by mowing the entire back side of the property, weed eating, and cutting back all overgrowth off the structures and the back fence, removing all trash and debris on site, and properly storing all outside items on the property in an enclosed building.

Allan Thompson, property owner, was sworn in by Special Magistrate Fuller and asked for an extension. He stated he cannot afford the daily fine and believes a number of his issues come from the tenants on his property.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before May 15, 2020, the compliance date listed on the notice of Violation/Notice of Hearing, by mowing the entire back side of the property, weed eating, and cutting back all overgrowth off the structures and the back fence, removing all trash and debris on site, and properly storing all outside items on the property in an enclosed building. 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 in the amount of \$250.00 per day shall be assessed for each day the property remains in noncompliance. 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. Ms. Joseph requested any future violations under

this ordinance be considered repeat. The cost sheet in the amount of \$36.30 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Ms. Pearson requested the Magistrate not extend the deadline as this is a repeat, repeat case that comes into compliance only once brought before the Magistrate and manages to avoid the fines each time.

Special Magistrate Fuller granted the recommendation with amendments. The property owner has until June 10, 2020 to mow the entire back side of the property, weed eat, and cut back all overgrowth off the structures and the back fence, remove all trash and debris on site, and properly store all outside items on the property in an enclosed building or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$36.30 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

19. **CEB Case No.:** 19-1770

Respondent: Mildred E. Davison Life Estate

Address of Violation: 5828 Spruce Creek Woods Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 12/3/2019

Compliance: No

Cited for violation(s) - 2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 301 (General), 301.3 (Vacant structures and land) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.13 Window, skylight and door frames.

2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.15 Doors.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance February 24, 2020 as ordered in the previous hearing on February 12, 2020 by the Special Magistrate. He requested a one-time fine in the amount of \$1,000.00 as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Mark Solomon Properties, who abated the violation(s) at the cost of \$1,293.00. A cost sheet for mailing and recording costs in the amount of \$96.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a one-time fine and abatement costs in the amount of \$2,293.00 and mailing and recording costs to date of \$96.90. A lien is imposed on the property in the amount of \$2,389.90.

20. **CEB Case No.:** 20-0034

Respondent: Springwood Square Joint Ventures

Address of Violation: Springwood Square, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 1/10/2020

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Mr. Boehmer requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on February 26, 2020 by the Special Magistrate. The City retained vendor Yellowstone Landscape, who abated the violation(s) at the cost of \$266.28. A cost sheet for mailing and recording costs in the amount of \$96.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded abatement costs in the amount of \$248.28 and mailing and recording costs to date of \$96.90. A lien is imposed on the property in the amount of \$345.18.

21. **CEB Case No.:** 19-249

Respondent: Susan C Prisaznick

Address of Violation: 3736 Sunrise Oaks Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 2/18/2019

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances; 303.1 Swimming Pools and 303.2 Enclosures.

City of Port Orange Land Development Code, Chapter 10 Clearing, Grading, and Stormwater Management, Article 1 Clearing and Grading, Section 1 Purpose and Intent.

City of Port Orange Land Development Code, Chapter 10 Clearing, Grading, and Stormwater Management, Article 1 Clearing and Grading, Section 2 Permits Required for change of Grade.

Ms. Bonin requested a continuation of the case to the July 22, 2020 hearing. Special Magistrate Fuller granted the continuation request.

22. **CEB Case No.:** 19-1416
 Respondent: Theodore Michelini
 Address of Violation: 1248 Thomas Drive, Port Orange, FL 32129
 Code Officer: Amanda Bonin
 First Notified: 9/24/2019

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage (1) (b).

Ms. Bonin requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

23. **CEB Case No.:** 18-1686
 Respondent: Anthony M. Malena
 Address of Violation: 1394 Surrey Park Drive, Port Orange, FL 32128
 Code Officer: Amanda Bonin
 First Notified: 10/2/2018

Compliance: Yes

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls),. Modified (a), (b) General Provisions, (4) Design and Maintenance & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

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.

Ms. Bonin requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

24. **CEB Case No.:** 19-1723
 Respondent: Port Orange Petro LLC
 Address of Violation: 6223 S Williamson Blvd., Port Orange, FL 32128
 Code Officer: Amanda Bonin
 First Notified: 12/10/2019

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. 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.

Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance March 16, 2020 as ordered in the previous hearing on February 12, 2020 by the Special Magistrate. She requested a one-time fine in the amount of \$500.00 as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$96.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a one-time fine in the amount of \$500.00 and mailing and recording costs to date of \$96.90. A lien is imposed on the property in the amount of \$596.90.

25. **CEB Case No.:** 20-0175
 Respondent: David W.Alexander TR
 Alexander Family Trust
 Address of Violation: 5967 Riverside Drive, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 2/3/2020

Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places) (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Ms. Joseph requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

26. **CEB Case No.:** 19-1666
 Respondent: Madeline Underwood
 Address of Violation: 5617 Finely Drive, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 11/22/2019

Compliance: No

Cited for violation(s) - 2018 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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance March 15, 2020 as ordered in the previous hearing on February 26, 2020 by the Special Magistrate. She requested a one-time fine in the amount of \$200.00 as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$89.60 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a one-time fine in the amount of \$200.00 and mailing and recording costs to date of \$89.60. A lien is imposed on the property in the amount of \$339.60.

27. **CEB Case No.:** 20-0137
 Respondent: Dana Deella Anderson
 Address of Violation: 3248 S. Peninsula Drive, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 1/29/2020

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance January 29, 2020 as ordered in the previous hearing on March 11, 2020 by the Special Magistrate. She requested a daily fine in the amount of \$100.00 per day as ordered in the

Finding of Fact, Conclusion of Law & Order to begin January 29, 2020 and running through and including February 7, 2020 for a total of 10 days. A cost sheet for mailing and recording costs in the amount of \$96.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of \$100.00 per day beginning January 29, 2020 and running through and including February 7, 2020 for a total of \$1,000.00 and mailing and recording costs to date of \$96.90. A lien is imposed on the property in the amount of \$1,096.90.

D. ADJOURNMENT – 11:43am

Special Magistrate Fuller

Case Cost Sheet Log

Case No. 19-0625

Name	Activity	Activity_Date	Status	Cost
Andres & Maria Masci	Hand delivery of Notice of Violation/Notice of Hearing	2/5/2020		\$0.00
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	3/11/2020		\$29.00
Andres Masci	Cost to mail Finding of Fact, Conclusion of Law & Order	3/11/2020		\$7.30
Maria Masci	Cost to mail Finding of Fact, Conclusion of Law & Order	3/11/2020		\$7.30

Total: 43.60



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-0625

To: Andres & Maria Masci
Property Owners
5751 White Acres Lane
Port Orange, FL 32127

Re: 5440 Ridgewood Avenue
Port Orange, FL 32127
Parcel ID: 6314-02-00-0020

LEGAL DESCRIPTION: IRREG PARCEL IN LOTS 2 & 3 & N 25 FT OF LOT 4 HARBORDALE MB 19 PG 24 MEAS 139.78 FT ON W/L RIDGEWOOD AVE & MEAS 300.42 FT S/L PER OR 4421 PG 2116 PER OR 5724 PGS 1232-1233 PER OR 6408 PG 0005 & PER OR 6509 PG 570 PER OR 7345 PG 1521 PER OR 7475 PG 0394
Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 23, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified on May 13, 2019, of the violations noted below and given 30 days to comply. A re-inspection was done on June 17, 2019, resulting in non-compliance. The most recent inspection was completed on February 3, 2020, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **March 5, 2020**.

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

Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (c) Maintenance of commercial and industrial zoned lots, of the City of Port Orange Code of Ordinances: The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.

- The initial inspection of this property found high weeds and grass. To correct the violation, the entire property needs to be mowed and trimmed, all weeds removed, and all debris blown back onto the property.

City of Port Orange Land Development Code, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-314. - Landscaping and buffers—Maintenance criteria.

- (a) Approved landscape plans.** All properties which developed under specifically approved landscape plans shall be required to maintain the materials shown on such plans according to subsection (d) below, within the following parameters: **(1) Trees.** All trees shall be maintained as shown on the plans. Replacement trees, if necessary, must meet the size criteria of section 14-315, and must be from the same general category, i.e., shade trees, understory trees, palms, etc. In buffering applications, evergreen trees may be replaced only with evergreen species. **(2) Shrubs.** All shrubs shall be maintained as shown on the plans. Required buffer shrubs shall be grown to and maintained at a minimum height of five feet, with regular trimming and pruning to foster

dense growth. Shrubs required along parking areas shall be maintained at a minimum height of three feet. Other shrubs shall be maintained at a reasonable mature height for the species. **(3) Lawns.** Lawns shall be maintained as shown on the plans. Alternative living ground covers may be utilized as desired. Approved mulch materials may be used in designated lawn areas: **a.** To accommodate new or expanded planting areas and their natural growth. **b.** In natural areas or areas of heavy shade where lawn maintenance has been unsuccessful. **c.** In limited areas subject to foot traffic where maintenance has been unsuccessful.

- (5) Other planting areas.** Other planting areas shown on the plans shall be maintained with similar materials to those originally specified. Annual flower beds may be converted to permanent material with at least a two-month flowering period, or material with berries, colorful flower bracts, or variegated foliage to simulate the original design intent.
- (d) Required maintenance and anticipated growth and coverage.** The following criteria shall be used to evaluate the maintenance and growth of all landscape plantings: **(1)** Existing trees preserved during development shall be maintained so as to provide the greatest opportunity for survival. Such maintenance shall include, as necessary, the following activities: **a.** Trimming and pruning to reduce stress. **b.** Soil aeration. **c.** Deep root fertilization. **(2)** Landscape plantings shall be maintained based on accepted professional practices to include regular irrigation, fertilization, pest control, weed control, and trimming and pruning. **(3)** Reasonable growth shall be based on accepted industry standards. **(4)** All trees and shrubs shall be trimmed so as not to interfere with pedestrian and vehicle movements. **(5)** Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control. **(6)** Natural areas shall be kept free of garbage, trash and other foreign materials. Dead material shall be removed and replaced as required by this article. Natural area edges and other disturbed areas shall be mulched or sodded with weed growth controlled. **(7)** Irrigation systems must be maintained in proper working order to provide 100 percent coverage of planted landscaped areas.

Initial inspection of the property found the landscaping and grass areas in need of replacing and maintenance. The grass is overgrown, there are dead trees, plants and shrubs on site (the site has had no maintenance since the landscaping was originally installed). To correct the violation, all plantings, to include plants, shrubs, and trees, are required to be installed as per the attached landscape plan. See Section 14-315 – Replacement Criteria. In addition, all landscaped areas must be weeded and mulched so as to provide solid coverage and reasonable weed control as stated above. Irrigation systems must be maintained in proper working order to provide 100 percent coverage of planted landscaped areas.

Section 14-315. - Same—Replacement criteria.

- (a) Landscape plantings.** When the material required to be maintained under this article dies or fails to meet standards for reasonable growth, it shall be replaced with the same or similar material meeting the minimum specification of the zoning code.
- (b) Buffer plantings.** When material required to be maintained as part of a specific buffer shown on an approved plan or mandated by code at the time of development dies or fails to meet standards for reasonable growth, it shall be replaced with material as close in size and fullness as similar adjacent materials planted at the same time. However, the following upper limits shall apply to replacement material: **(1)** Replacement shade trees will be no larger than four-inch caliper, 20 feet in height (except palms). **(2)** Replacement understory trees will be no larger than two-inch caliper, 12 feet in height (except palms). **(3)** Replacement shrubs will be no larger than four feet in height.
- (c) Natural areas.** When material in natural areas required to be maintained by this article dies or is removed, it shall be replaced with the same or similar materials from the city's approved list of native plants and meeting minimum zoning code specifications. However, where natural areas are specifically designed to act as a required buffer, the requirements of subsection **(b)** above shall apply.

Section 14-318: - Other property improvements; maintenance criteria:

- (c) Walls and fences.** All walls and fences shall be maintained in accordance with the zoning chapter of the land development code and the following standards:
- (3)** Fences and walls shall be maintained in their original upright position, with all gates in good operating condition.

- (d) **Trash, litter and debris.** All sites shall be maintained so as to be free of trash and litter of any type, except in an approved dumpster or can. Paved areas shall be kept free of built-up silt and dirt.

Initial inspection of the property found trash and debris all over the property. There is an area of fencing that has bowed out (on the Dollar General side parking lot area). To correct the violations, all trash and debris must be removed from the property and the area of fencing must be repaired to its original upright position.

City of Port Orange Land Development Code, Chapter 3 (Administration), Article I (Code Administration), Section 4 (Development order), (e), (3)

A development order shall be issued by the department only after the approval of development plans as required by this code. A development order allows for the issuance of site construction permits for the initiation of development activities, including land clearing, site preparation, utility construction, road construction, and building construction. Issuance of a development permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law

(e) Modification of a development order

(3) When in the opinion of the administrative official, the proposed modifications represent a major and fundamental change in the overall impact and intent of the original development order, a new application for development plan review may be required, including the appropriate fees, as adopted by resolution of the city council.

The Site Plan Development Order issued in October 2018 for 5440 Ridgewood Avenue was originally approved for an equipment rental yard. Based on the activity that has been witnessed at this location, it is being used as an extension for the adjacent contractor yard and storage site located at 5460 Ridgewood Avenue. According to the above referenced code, if the use on a site is not what the site plan was approved for and represents a major and fundamental change in the overall impact and intent of the original Development Order, a new application for a development plan review may be required. The site plan for 5440 Ridgewood Avenue was not reviewed as a contractor yard and storage use, it was reviewed and approved as an equipment rental facility based on information provided by the applicant during the site plan review process. The use of the site was described during the review of the site plan as an equipment rental facility where equipment could be rented during business hours which were indicated as "daylight" hours and access to the site would be through the cross-access easement on the Dollar General site. Based on recent noise and light inspections, barricade of the approved access point, removal of the fence section between 5460 Ridgewood Avenue and 5440 Ridgewood Avenue, the site is being used at night and not in accordance with the approved site plan.

City of Port Orange Land Development Code, Chapter 3 (Administration), Article II (Non-conforming Provisions), Section 8 (Nonconforming Provisions)

- (c) **Nonconforming uses of land and structure.** A nonconforming use of land or structure existing prior to the adoption of this code shall continue to have such nonconforming status and shall be subject to the applicable provisions of this code including the following which shall apply so long as the use of land or structure remains otherwise lawful.

(1) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land or structure than was occupied as of April 25, 1985, or the date upon which the use was made nonconforming, whichever is later.

Initial inspection of the property found that the original construction yard located at 5460 Ridgewood Avenue has been extended onto the 5440 Ridgewood Avenue site that was developed as an equipment rental yard. To correct the violations and bring the property into compliance with the above code, you must repair the 8'-tall opaque privacy fence along the property line separating the Masci site (5460 Ridgewood Ave.) and the Feria Rental Yard site (5440 Ridgewood Ave.) Segments of the required fence have been removed and allow access between the Masci site and the Feria Rental Yard site. Reinstall the 8'-tall PVC fence along the property line as required per the Masci Contractor Yard - 5460 Ridgewood Ave. site plan. This was also discussed during the review of the site plan for the Feria Rental Yard site; the approved site plan for the Feria Rental Yard site indicates the fence being re-installed. A building permit will be required to re-install the missing

fence panel segments. According to the Land Development Code (LDC), Chapter 3, Article II, Section 8(c)(2), no such non-conforming use (Masci Contractor Yard - 5460 Ridgewood Ave.) shall be enlarged or increased nor extended to occupy a greater area of land or structure than was occupied as of April 25, 1985, or the date upon which the use was made non-conforming, whichever is later. The removal of multiple segments of the fence and combined use of these two sites is expansion of a nonconforming site (Masci Contractor Yard - 5460 Ridgewood Ave.). This was discussed during the site plan review for the Feria Rental Yard (5440 Ridgewood Ave.) site plan and acknowledged by the applicant.

2018 Florida Building Code, 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: 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.

A building permit was not obtained to re-locate the parking lot light pole that was located in the center of the site to the rear of the Feria Rental Yard site (see survey below – pre-development). According to the survey submitted with the Feria Rental Yard site plan, a light pole was located in the center of the site; however, now the light pole is not located in the center of the site, but a light pole is located at the rear of the site (see as-built – Fall 2018). According to a building permit pulled, only a permit to install light fixtures was approved. Therefore, the install of the light pole at the rear of the site was done without a building permit. Submit an after the fact building permit for the light pole that was installed at the rear of the site.

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 Enforcement Officer 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 11th, 2020, 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 \$ 0 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 11th, 2020**, 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 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **April 22nd, 2020, 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 Enforcement Officer at (386) 506-5645.

DATED this 5th day of February, 2020.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, 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 Andres & Maria Masci, Property Owners, 5751 White Acres Lane, Port Orange, FL 32127

RE: 5440 Ridgewood Avenue, Port Orange, FL 32127, was

☒ Hand-delivered

Recipient of hand delivered documents:

Tatiana Masci - Secretary

☐ Posted at the property

this 5th day of February, 2020.

Time: approx. 11:40 am

Dena Joseph
Dena Joseph, 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 Andres & Maria Masci, Property Owners, 5751 White Acres Lane, Port Orange, FL 32127

RE: 5440 Ridgewood Avenue, Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 10 day of February, 2020.

Shelly Field
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.



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-976

To: Todd A & Tanya N Stiffler
1617 Town Park Drive
Port Orange, FL 32129

Re: 1617 Town Park Drive
Port Orange, FL 32129
Parcel ID: 6201-04-00-0910

LEGAL DESCRIPTION: LOT 91 TOWN PARK PUD PHASE 1B MB 48 PGS 14 THRU 17 INC PER OR 4852 PG 978
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 28, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below, while the City Engineering and Planning department worked with them to resolve the violation over the course of eight months. A re-inspection was done on February 18, 2020, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by June 14, 2020.

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

1. City of Port Orange Land Development Code Chapter 10 Clearing Grading and Stormwater Management, Article 1 Clearing and Grading, Section 1 Purpose and Intent; The purpose of this article is to provide specific criteria for allowable clearing and grading in order to prevent flooding, to avoid drainage impacts on adjoining properties, and to limit damage to the environment and to the waterways within the city. Specific review criteria for evaluation of drainage modifications are located in article II of this chapter.

2. City of Port Orange Land Development Code Chapter 10 Clearing Grading and Stormwater Management, Article 1 Clearing and Grading, Section 2 Permit Requirements for Change of Grade, It is hereby unlawful for any person to change or modify the grade of any land without obtaining a change of grade permit in accordance with the provisions of this chapter. The following procedure shall apply for unsubdivided property or subdivided lots with no approved development or building plan. However, the provisions of article II of this chapter shall supersede the following for those activities requiring a stormwater management permit as reflected in article II of this chapter.

The initial inspection of this property found the rear yard of this property to be at a higher elevation causing the swale to be partially filled in. Additionally, the fence was all the way to the ground, not allowing for water to flow under it. Therefore, when it rains, the higher elevation and fencing causes standing water on the neighboring property.

To correct the violation, remove mulch and soil to lower grade within your 5' portion of the 10' drainage easement along the length of the fence. The drainage easements bottom ideally should be eight (8) inches lower than the top and meet the City's Standard Construction Detail ST-10 (attached). Additionally, the fence within the drainage easement either needs to be raised to be six (6) inches above the ground (with the sod in place) to allow for the flow of water or removed.

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 Enforcement Officer 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 June 24, 2020, 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 \$ 40 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 **June 24, 2020**, 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 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **August 12, 2020, 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 Enforcement Officer at (386) 506-5616.

DATED this 14th day of May, 2020.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Todd A & Tanya N Stiffler 1617 Town Park Drive Port Orange, FL 32129, RE: 1616 Town Park Drive Port Orange, FL 32129, was

☐ Hand-delivered

☐ Posted at the property

Recipient of hand delivered documents: Todd & Tanya Stiffler

this 14th day of May, 2020.

Time: approx. 4:00 pm

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Todd A & Tanya N Stiffler 1617 Town Park Drive Port Orange, FL 32129, RE: 1616 Town Park Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 15 day of May, 2020.

Shelly Field
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. 19-977

Name	Activity	Activity_Date	Status	Cost
Chelsea E Heck	Hand delivery of Notice of Violation/Notice of Hearing	5/14/2020		\$0.00
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	6/24/2020		\$29.00
Chelsea E Heck	Cost to mail Finding of Fact, Conclusion of Law & Order	6/24/2020		\$7.30

Total: 36.30



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-977

To: Chelsea E Heck
1619 Town Park Drive
Port Orange, FL 32129

Re: 1619 Town Park Drive
Port Orange, FL 32129
Parcel ID: 6201-04-00-0920

LEGAL DESCRIPTION: LOT 92 TOWN PARK PUD PHASE 1B MB 48 PGS 14-17 INC PER OR 4923 PGS 2379-2380 PER OR 6088 PG 4497 PER OR 6600 PGS 4478-4479 PER OR 6623 PG 1671 PER OR 6623 PG 1674 PER OR 7530 PG 849 Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 28, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below, while the City Engineering and Planning department worked with them to resolve the violation over the course of eight months. A re-inspection was done on February 18, 2020, resulting in non-compliance.

An inspection of the premises on June 28, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below, while the City Engineering and Planning department worked with them to resolve the violation over the course of eight months. A re-inspection was done on February 18, 2020, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by June 14, 2020.

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

1. City of Port Orange Land Development Code Chapter 10 Clearing Grading and Stormwater Management, Article 1 Clearing and Grading, Section 1 Purpose and Intent; The purpose of this article is to provide specific criteria for allowable clearing and grading in order to prevent flooding, to avoid drainage impacts on adjoining properties, and to limit damage to the environment and to the waterways within the city. Specific review criteria for evaluation of drainage modifications are located in article II of this chapter.
2. City of Port Orange Land Development Code Chapter 10 Clearing Grading and Stormwater Management, Article 1 Clearing and Grading, Section 2 Permit Requirements for Change of Grade, It is hereby unlawful for any person to change or modify the grade of any land without obtaining a change of grade permit in accordance with the provisions of this chapter. The following procedure shall apply for unsubdivided property or subdivided lots with no approved development or building plan. However, the provisions of article II of this chapter shall supersede the following for those activities requiring a stormwater management permit as reflected in article II of this chapter.

The initial inspection of this property found the rear yard of this property to be at a slightly higher elevation causing the swale to be partially filled in. Therefore, when it rains, the higher elevation causes standing water on the neighboring property.

To correct the violation, remove a 5'x25' area of lava rocks, soil, and filter fabric in the northwest corner of the property so that 4"-6" of space is visible under the existing fence with the finished groundcover in place.

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 Enforcement Officer 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 June 24, 2020, 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 \$ 10 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 **June 24, 2020**, 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 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **August 12, 2020, 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 Enforcement Officer at (386) 506-5616.

DATED this 14th day of May, 2020.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Chelsea E Heck 1619 Town Park Drive Port Orange, FL 32129, RE: 1619 Town Park Drive Port Orange, FL 32129, was

☒ Hand-delivered

Recipient of hand delivered documents:

Chelsea Heck

☐ Posted at the property

this 14th day of May, 2020.

Time: approx. 4:08 p.m.

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Chelsea E Heck 1619 Town Park Drive Port Orange, FL 32129, RE: 1619 Town Park Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 15 day of May, 2020.

Shelly Field
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. 20-536

Name	Activity	Activity_Date	Status	Cost
Dave Robinson Builder & Dev Co	Cost to mail Notice of Violation/Notice of Hearing	5/15/2020	Certified mail not returned	\$14.60
Clerk of COurts	Fee to record Finding of Fact, Conclusion of Law & Order	6/24/2020		\$29.00
Dave Robinson Builder & Dev Co	Cost to mail Finding of Fact, Conclusion of Law & Order	6/24/2020		\$14.60

Total: 58.20



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 20-536

To: Dave Robinson Builder & Dev Co
Po Box 85
Deland, FL 32720

Dave Robinson Builder & Dev Co
1375 S Woodland Blvd
Deland, FL 32720

Re: Clyde Morris Blvd, Port Orange, 32129 Rights of Way
Port Orange, FL 32129
Parcel ID: 6317-27-00-0002

LEGAL DESCRIPTION: 17-16-33 N 54 FT S OF HORIZON PUD OF E 366.29 FT ON N/L W OF CLYDE MORRIS BLVD
EXC S 20 FT OF E 265.38 FT IN ROBINSON PCD PER OR 2842 PG 1304
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 20, 2020, indicates that certain violation(s) of the City of Port Orange Code exists.

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

1. City of Port Orange Land Development Code, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-317 - Parking, sidewalk and driveway areas (a) Maintenance criteria. (3) Pavement surfaces. All sidewalk and road pavement surfaces shall be maintained to be free of cracks, potholes and other defects posing a hazard to pedestrian and vehicle safety, and shall be patched, seal coated, or resurfaced as required to maintain the structural integrity of the pavement base and surface. Vegetation shall be trimmed to provide sign visibility per the MUTCD.

- The initial inspection of this property found potholes onsite that constitute a hazard. To correct the violation, all potholes must be properly repaired.

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

The burden shall rest upon the Respondent to request a re-inspection by the Code Enforcement Officer 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 June 24, 2020, 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 \$ 14.60 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 **June 24, 2020**, 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 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **August 12, 2020, 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 Enforcement Officer at (386) 506-5616.

DATED this 14th day of May, 2020.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: *Amanda Bonin*

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Dave Robinson Builder & Dev Co, Po Box 85 Deland, FL 32720 and 1375 S Woodland Blvd Deland, FL 32720, RE: Clyde Morris Blvd, Port Orange, 32129 Rights of Way, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 14th day of May, 2020.

Time: approx. 2:55 p.m.

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Dave Robinson Builder & Dev Co, Po Box 85 Deland, FL 32720 and 1375 S Woodland Blvd Deland, FL 32720, RE: Clyde Morris Blvd, Port Orange, 32129 Rights of Way, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 15 day of May, 2020.

Shelly Field
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. 18-887 (continued from 8/8/18)

Name	Activity	Activity_Date	Status	Cost
Beacon Coast Investments HOA	Cost to mail Notice of Violation/Notice of Hearings to 544 Pelican Bay Drive, Daytona Beach, FL 32119-8322 via certified & regular mail	6/15/2018	Certified mail was returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	8/8/2018		\$27.00
Beacon Coast Investments HOA	Cost to mail Finding of Fact, Conclusion of Law, & Order to 544 Pelican Bay Drive, Daytona Beach, FL 32119-8322 via certified & regular mail	8/8/2018		\$7.14
Clerk of Courts	Fee to record Order Imposing Fine/Lien	12/11/2019		\$46.00
Beacon Coast Investments HOA	Cost to mail Order Imposing Fine/Lien	12/11/2019		\$7.30

Total: 94.58



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-887

To: Beacon Coast Investments HOA
544 Pelican Bay Drive
Daytona Beach, FL 32119-8322

Re: 5467 ST Regis Way, Port Orange, 32128
Port Orange, FL 32128
Parcel ID: 6319-21-00-0002

LEGAL DESCRIPTION: COMMON AREAS A & B THE VINEYARDS PHASE II MB 46 PG 56
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 5, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by June 22, 2018.

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

City of Port Orange Land Development Code Chapter 10 Clearing, Grading, And Stormwater Management, Article 2 Stormwater Management, **Section 13: - Maintenance**. The installed system(s) required by this article shall be maintained by the owner except where the city specifically accepts a certain system for maintenance. The selection of critical areas and/or structures to be maintained by the city shall be recommended to the city council by the department. All areas and/or structures to be maintained by the city must be conveyed to the city by plat or separate instrument and accepted by the city council. The owner shall provide adequate easements with respect to system(s) to be maintained by the owner to permit the city to inspect and, if necessary, to take corrective action should the owner fail to maintain the system(s). The operation and maintenance entity shall inspect the stormwater or surfacewater management system every two years after construction to verify the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name, address, and telephone number of the inspector, whether the system was functioning as designed and permitted and if required, the corrective action taken. These records shall be available for inspection upon request by the city during normal business hours.

Initial inspection, I observed the pond to be overgrown with vegetation and not being maintained. Most recent inspection, shows the same. The pond needs to be maintained on a regular basis. The overgrowth of vegetation in and around the edges of the pond, especially the North end needs to be cleaned out and it was reported the wier is not properly functioning. This needs to be tested and it does not function properly, it needs to be repaired.

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 August 8, 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 **August 8, 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 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **September 12, 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 14th day of June, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Beacon Coast Investments HOA 544 Pelican Bay Drive Daytona Beach, FL 32119-8322, RE: 5467 ST Regis Way, Port Orange, 32128, was

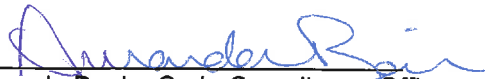
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 14th day of June, 2018.

Time: approx. 2:10pm


Amanda Bonin, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Beacon Coast Investments HOA 544 Pelican Bay Drive Daytona Beach, FL 32119-8322, RE: 5467 ST Regis Way, Port Orange, 32128, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 15 day of June, 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
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 18-887**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Recorded in the Public Records:
Instrument #2018 185 977 9/13/18
Book: 7597 Page: 1633

Petitioner,

BEACON COAST INVESTMENTS HOA
5467 ST. REGIS WAY
PORT ORANGE, FL 32128
PARCEL ID: 6319-21-00-0002

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 September 12, 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. Respondents, BEACON COAST INVESTMENTS HOA, whose mailing address is 544 Pelican Bay Drive, Port Orange, FL 32119, is the owner of the property located at 5467 St. Regis Way, Port Orange, FL 32128, and more particularly described as:

COMMON AREAS A & B THE VINEYARDS PHASE II MB 46 PG 56

B. The violation was to be corrected by maintaining the pond on a regular basis. The overgrowth of vegetation in and around the edges of the pond, especially the North end needs to be cleaned out. It was reported the wier is not properly functioning. This needs to be tested and if it does not function properly, it needs to be repaired. This condition was first observed at the real property described above on March 5, 2018; re-inspection made on August 7, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall and via regular and certified mailing on June 15, 2018, as well as posted on the property on June 14, 2018, that the aforesaid conditions constituted a violation of City of Port Orange Land Development Code Chapter 10 Clearing, Grading, And Stormwater Management, Article 2 Stormwater Management, Section 13: - Maintenance and was to be corrected by June 22, 2018.

C. At the time of the hearing, the violations cited above: ☒ continued 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(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

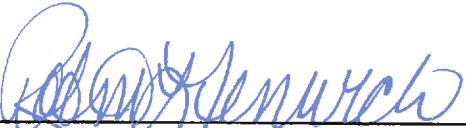
ORDER:

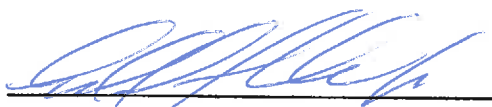
A. Respondent(s) shall correct the aforesaid violation by maintaining the pond on a regular basis. The overgrowth of vegetation in and around the edges of the pond, especially the North end needs to be cleaned out. It was reported the weir is not properly functioning. This needs to be tested and if it does not function properly, it needs to be repaired on or before September 27, 2018. ("Compliance Date"). In the event that 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 \$100.00 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 12th day of September, 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.

Amanda Rein
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), BEACON COAST INVESTMENTS HOA, 544 Pelican Bay Drive, Daytona Beach, FL 32119 by Certified and Regular Mail this 12 day of September, 2018.

Robin L. Fenwick
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 12 day of Sept., 2018.
By: Robin L. Fenwick
/s/ Robin L. Fenwick

