

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JUNE 24, 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
Debbie Pearson, Code Enforcement Manager
Shelby Field, Assistant City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller dispensed with an overview of the code enforcement process as there were no members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the May 27, 2020 meeting minutes as presented.

Oaths

Code Compliance Inspector Amanda Bonin and Deborah Pearson Code Compliance Manager were sworn in by Special Magistrate Fuller.

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.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a continuation of the case to the July 8, 2020 hearing. Special Magistrate Fuller granted the continuation request.

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.

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

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.

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 by June 14, 2020 by removing 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.

Valerie Duhl, Community Development Engineer, was sworn in by Special Magistrate Fuller and testified to the pictures being true and accurate depictions of what she saw. She submitted a lot plan of the required drainage easement. The documentation was tendered into evidence and accepted by Special Magistrate Fuller with no objections

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before July 3, 2020 by removing 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. 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. Ms. Bonin 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.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until July 3, 2020 to 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 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.

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)

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 repairing the pothole in the roadway immediately.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by repairing the pothole in the roadway. 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, the city shall have the option to abate the violation. 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. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$58.20 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 is to immediately repair the pothole in the roadway or the city shall have the option to abate the violation. Costs in the amount of \$58.20 were awarded to the City.

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.

Ms. Bonin requested a dismissal of the case. Special Magistrate Fuller granted the dismissal request.

D. ADJOURNMENT – 9:22am


Special Magistrate Fuller