

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 12, 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
Dennis Boehmer, 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 July 22, 2020 meeting minutes as presented.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 20-0933

Respondent: Quest Systems LLC, Successor Trustee

Address of Violation: 1467 Bay Grove Drive, Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 6/10/2020

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), (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.

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

4. CEB Case No.: 20-1098

Respondent: Zachary R. Staley

Address of Violation: 1515 Rusty Circle, Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 7/8/2020

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.

Ms. Joseph requested a continuation of the case to the August 26, 2020 hearing. Special Magistrate Fuller granted the continuation request.

5. CEB Case No.: 20-1064

Respondent: Gwendolyn M. Johnson

Address of Violation: 12 Black Jack Circle, Port Orange, FL 32128

Code Officer: Daniel Bungart

First Notified: 7/2/2020

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.

6. CEB Case No.: 20-0173

Respondent: Christopher Joe Skinner

Address of Violation: 5348 Christiancy Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/31/2020

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.

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

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

7. **CEB Case No.:** 20-0643

Respondent: Kathryn Giard

Address of Violation: 5403 Taylor Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 4/13/2020

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.

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 compliance. Special Magistrate Fuller granted the dismissal request

8. **CEB Case No.:** 20-0673

Respondent: Margaret F. Brown Preston

Address of Violation: 5061 Palmetto Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 4/20/2020

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.

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 compliance. Special Magistrate Fuller granted the dismissal request

9. **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.

Ms. Joseph requested a continuation of the case to the September 9, 2020 hearing. Special Magistrate Fuller granted the continuation request.

10. **CEB Case No.:** 20-0705

Respondent: Betty Jane Buelow

Address of Violation: 5437 Isabelle Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 4/28/2020

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 3 (General Requirements), 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 (General Requirements), Section 304 (Exterior Structure), 304.1 (General), 304.10 (Stairways, decks, porches, and balconies), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II 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 by August 10, 2020 by mowing the entire property and parkage area to include weed eating and removing all high weeds inside the porch structure and blowing all grass clippings back onto the property, by removing all items/trash on the remaining porch structure that have been exposed to the elements and porch cleaned in its entirety, repairing/replacing all damaged siding on the structure, and removing or securing any loose materials such as metal, plastic, etc. on the porch structure to keep them from blowing onto neighboring properties and causing further damage to home.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before August 19, 2020, by mowing the entire property and parkage area to include weed eating and removing all high weeds inside the porch structure and blowing all grass clippings back onto the property, by removing all items/trash on the remaining porch structure that have been exposed to the elements and porch cleaned in its entirety, repairing/replacing all damaged siding on the structure, and removing or securing any loose materials such as metal, plastic, etc. on the porch structure to keep them from blowing onto neighboring properties and causing further damage to home. 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 past 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. 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 concern. The property owner has until August 19, 2020 to mow the entire property and parkage area to include weed eating and removing all high weeds inside the porch structure and blow all grass clippings back onto the property, remove all items/trash on the remaining porch structure that have been exposed to the elements and porch cleaned in its entirety, repair/replace all damaged siding on the structure, and remove or secure any loose materials such as metal, plastic, etc. on the porch structure to keep them from blowing onto neighboring properties and causing further damage to the home or a daily fine in the amount of \$100.00 per day shall be imposed for each day the property remains in noncompliance. Costs in the amount of \$43.60 were awarded to the City.

11. CEB Case No.: 20-0903

Respondent: Catherine M. Thomas

Address of Violation: 717 Marshall Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 6/5/2020

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 this is a repeat violation, by mowing the entire property to include rights of way, weed eating, and blowing debris off roadway and 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 August 19, 2020, by mowing the entire property to include rights of way, weed eating, and blowing debris off roadway and 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 \$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 concern. The property owner has until August 19, 2020 to mow the entire property to include rights of way, weed eating, and blowing debris off roadway and back onto the property or a one-time fine in the amount of \$1,000.00 shall be imposed. Costs in the amount of \$58.20 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

12. 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: Yes

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

13. CEB Case No.: 19-1108

Respondent: Herbert Schubert Jr.

Address of Violation: 408 Nancy Circle, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 7/26/2019

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Mr. Boehmer requested an Order Setting Fine/Lien as the property was not in compliance July 18, 2020 as ordered in the previous hearing on July 8, 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. 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 \$1,000.00 and mailing and recording costs to date of \$89.60. A lien is imposed on the property in the amount of \$1,089.60.

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

15. **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. Joseph requested a dismissal of the case. Special Magistrate Fuller granted the dismissal request.

16. **CEB Case No.:** 20-0382
Respondent: Edwina V. Schaffer
Address of Violation: 5348 Landis Avenue, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 3/4/2020

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), (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 June 4, 2020 (the date the violation was first observed) as ordered in the previous hearing on July 8, 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 beginning June 4, 2020 and running through and including June 18, 2020 (at which point the property came into compliance) for a total of 15 days. The property then came into noncompliance again July 7, 2020 and remains in noncompliance. A cost sheet for mailing and recording costs in the amount of \$118.80 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 June 4, 2020 and running through and including June 18, 2020 for a total of \$1,500.00 and then beginning again July 7, 2020 and running until the property is brought back into compliance and mailing and recording costs to date of \$118.80.

17. **CEB Case No.:** 20-0563
Respondent: Stacey L. Algieri
Address of Violation: 5245 Sydney Street, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 3/30/2020

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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance July 19, 2020 as ordered in the previous hearing on July 8, 2020 by the Special Magistrate. She

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, who abated the violation(s) at the cost of \$125.00. 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 in the amount of \$1,000.00, abatement costs of \$125.00 and mailing and recording costs to date of \$96.90. A lien is imposed on the property in the amount of \$1,221.90.

18. **CEB Case No.:** 20-0893
 Respondent: Michael F. Lorenzini
 Address of Violation: 5424 Christiancy Avenue, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 6/2/2020

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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance July 19, 2020 as ordered in the previous hearing on July 8, 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. The City retained vendor Mark Solomon, who abated the violation(s) at the cost of \$235.00 on July 24, 2020. 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 July 20, 2020 and running through and including July 23, 2020 for a total of \$400.00, abatement costs of \$235.00 and mailing and recording costs to date of \$96.90. A lien is imposed on the property in the amount of \$731.90.

19. **CEB Case No.:** 20-0863
 Respondent: Marguerite Sanders & Dean Maxwell
 Address of Violation: 720 Palm Circle Drive, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 5/28/2020

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.

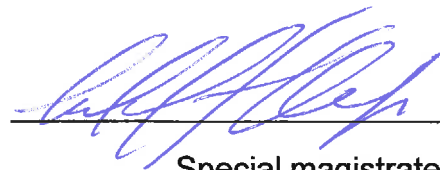
Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas and Hot Tubs), 303.1 (Swimming pools) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance July 19, 2020 as ordered in the previous hearing on July 8, 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 beginning July 20, 2020 and running through and including August 7, 2020 for a total of 19 days. The City retained vendor Mark Solomon, who abated the violation(s) at the cost of \$340.00. A cost sheet for mailing and recording costs in the amount of \$118.80 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 July 20, 2020 and running through and including August 7, 2020 for a total of \$1,900.00, abatement costs of \$340.00 and mailing and recording costs to date of \$118.80. A lien is imposed on the property in the amount of \$2,358.80.

D. ADJOURNMENT – 9:45am


Special magistrate Fuller