

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
OCTOBER 14, 2020

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:03 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Amanda Bonin, Code Compliance Inspector
Scott Allman, Code Compliance Inspector
Dennis Boehmer, Code Compliance Inspector
Dena Joseph, 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 September 23, 2020 meeting minutes as presented.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-472
Respondent: Richard T Bartholomew II
Sallie L Bartholomew H&W
Address of Violation: 1806 Forest Preserve Blvd., Port Orange, FL 32128
Code Officer: Amanda Bonin
First Notified: 4/25/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 9 (Environmental Protection), Article II Tree Preservation, Section 19 Tree Replacement or Mitigation (a) (b)(c) (d);

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.

4. CEB Case No.: 18-1053

Respondent: Horace R Jr Weaver & Patricia Engler Weaver

Address of Violation: 1396 Coconut Palm Circle, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 7/6/2018

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 9 Environmental Protection, Article II Tree Preservation, Section 19 Tree Replacement or Mitigation (a) (b) (c) (d) (e) (f);

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 September 27, 2020 by replacing the required trees listed on the permit or a payment to the City's tree bank.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by October 31, 2020 by completing the mitigation requirements provided by the planning department listed as follows: (1) understory tree in lieu of the (1) required shade tree replacement. There are no city non-typical underground utilities or aboveground utilities on the subject property. The subject property has the following options: plant one 4-inch caliper, 14-foot tall understory tree; or plant one 2-inch caliper, 10-foot tall understory tree and make a mitigation payment of \$182.50, for one understory tree. 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 \$50.00 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. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.80 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 October 31, 2020 to complete the mitigation requirements provided by the planning department listed as follows: (1) understory tree in lieu of the (1) required shade tree replacement. There are no city non-typical underground utilities or aboveground utilities on the subject property. The subject property has the following options: plant one 4-inch caliper, 14-foot tall understory tree; or plant one 2-inch caliper, 10-foot tall understory tree and make a mitigation payment of \$182.50, for one understory tree or a daily fine in the amount of \$50.00 per day shall be imposed for each day the property remains in noncompliance. Costs in the amount of \$43.80 were awarded to the City.

5. CEB Case No.: 18-1054

Respondent: Priscilla Thomson

Address of Violation: 1398 Coconut Palm Circle, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 7/6/2018

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 9 Environmental Protection, Article II Tree Preservation, Section 19 Tree Replacement or Mitigation (a) (b) (c) (d) (e) (f);

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 September 27, 2020 by replacing the required trees listed on the permit or a payment to the City's tree bank.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by October 31, 2020 by completing the mitigation requirements provided by the planning department listed as follows: (1) understory tree in lieu of the (1) required shade tree replacement. There are no city non-typical underground utilities or aboveground utilities on the subject property. The subject property has the following options: plant one 4-inch caliper, 14-foot tall understory tree; or plant one 2-inch caliper, 10-foot tall understory tree and make a mitigation payment of \$182.50, for one understory tree. 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 \$50.00 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. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.80 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 October 31, 2020 to complete the mitigation requirements provided by the planning department listed as follows: (1) understory tree in lieu of the (1) required shade tree replacement. There are no city non-typical underground utilities or aboveground utilities on the subject property. The subject property has the following options: plant one 4-inch caliper, 14-foot tall understory tree; or plant one 2-inch caliper, 10-foot tall understory tree and make a mitigation payment of \$182.50, for one understory tree or a daily fine in the amount of \$50.00 per day shall be imposed for each day the property remains in noncompliance. Costs in the amount of \$43.80 were awarded to the City.

6. **CEB Case No.:** 20-1447

Respondent: Shirley A. Acerbi

Address of Violation: 709 Larado Drive, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 9/8/2020

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 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited 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.

7. **CEB Case No.:** 20-1344

Respondent: Scott Theodore Zyrowski

Address of Violation: 191 Gibson Way, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 8/20/2020

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.

Mr. Boehmer requested a continuation to the December 9, 2020 hearing. Special Magistrate Fuller granted the continuation request.

8. **CEB Case No.:** 20-1331

Respondent: Anthony & Darlene Annatone

Address of Violation: 211 Herb Court, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 8/18/2020

Compliance: No

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) (a) (b).

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 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 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 September 25, 2020 by properly storing all outside stored items (including but not limited to restaurant equipment, cinder blocks, materials and equipment, appliances, dollies, folding tables, etc.) inside an enclosed building or remove them from the property.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by October 25, 2020 by removing all outside stored items to an enclosed shed or garage and all trash and debris picked up and removed or set out for Waste Pro to pick up. 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. Mr. Boehmer requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.80 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 October 25, 2020 to remove all outside stored items to an enclosed shed or garage and pick up and remove all trash and debris or set out for Waste Pro to pick up 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 \$43.80 were awarded to the City.

9. CEB Case No.: 20-1236

Respondent: Shannon Roe

Address of Violation: 5080 Palmetto Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 8/3/2020

Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (c), (2), (3), (d), (c)(3), (e), (f) of the Port Orange Code of Ordinances.

Dena Joseph, 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.

10. CEB Case No.: 20-0961

Respondent: Lawrence Doody Estate

Address of Violation: 701 Cindy Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 6/15/2020

Compliance: Yes

Cited for violation(s) - 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 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 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II 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.

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

11. **CEB Case No.:** 20-0984

Respondent: Donna B. Hood

Address of Violation: 525 Lafayette Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 6/18/2020

Compliance: Yes

Cited for violation(s) - 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 70-36 (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 42-26 (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.

12. CEB Case No.: 20-1242

Respondent: Walter Raymond Dorfner

Address of Violation: 203 Fox Place, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 8/4/2020

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), (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 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 September 3, 2020 by mowing the entire property to include weed eating and blowing all 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 by October 25, 2020 by mowing the entire property to include weed eating and blowing all 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 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 violation. The property owner has until October 25, 2020 to mow the entire property to include weed eating and blowing all grass clippings back onto the property 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.

13. CEB Case No.: 20-0870

Respondent: Michael L. Harner

Address of Violation: 68 Cedar Street, Port Orange FL 32127

Code Officer: Dena Joseph

First Notified: 5/28/2020

Compliance: Yes

Cited for violation(s) - 2017 Florida Building Code, 6th Edition, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 8, Article 1, of the City of Port Orange Land Development Code.

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

14. CEB Case No.: 20-1424

Respondent: Stacey L. Algieri

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

Code Officer: Dena Joseph

First Notified: 9/1/2020

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 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 and blowing all 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 by October 21, 2020 by mowing the entire property to include weed eating and blowing all 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 \$2,000.00 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 \$43.80 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 October 21, 2020 to mow the entire property to include weed eating and blowing all grass clippings back onto the property or a one-time fine in the amount of \$2,000.00 shall be imposed. Costs in the amount of \$43.80 were awarded to the City.

15. **CEB Case No.:** 20-1425

Respondent: Stacey L. Algieri

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

Code Officer: Dena Joseph

First Notified: 9/1/2020

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, Skylight, and Door Frames) of the 2019 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 immediately, as it is a repeat violation, by boarding up all windows as to restrict access into the home from vagrants, trespassers, rodents, snakes, insects, etc.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by October 21, 2020 by boarding up all windows as to restrict access into the home from vagrants, trespassers, rodents, snakes, insects, etc. 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 \$2,000.00 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 \$43.80 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 October 21, 2020 to board up all windows as to restrict access into the home from vagrants, trespassers, rodents, snakes, insects, etc. or a one-time fine in the amount of \$2,000.00 shall be imposed. Costs in the amount of \$43.80 were awarded to the City.

16. **CEB Case No.:** 20-0853

Respondent: Christian Alexis Palacios

Address of Violation: 859 Chickadee Dr., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 5/19/2020

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, (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a continuation to the November 11, 2020 Hearing. Special Magistrate Fuller granted the continuation request.

17. **CEB Case No.:** 20-0717

Respondent: CMA Volusia Properties, LLC

Address of Violation: 5807 Mystic Drive, Port Orange FL 32127

Code Officer: Scott Allman

First Notified: 4/21/2020

Compliance: Yes

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.

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.

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

18. **CEB Case No.:** 20-0121

Respondent: Donald & Susan Franchi

Address of Violation: 145 Wimbledon Ct., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/6/2020

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.

Mr. Allman requested a continuation to the November 11, 2020 Hearing. Special Magistrate Fuller granted the continuation request.

C. ORDER IMPOSING FINE/LIEN

19. **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 requested a continuation of the case to the January 13, 2020 Hearing. Special Magistrate Fuller granted the continuation request.

20. **CEB Case No.:** 20-1118
 Respondent: Arthur P. Champley
 Address of Violation: 560 Newton Road, Port Orange, FL 32127
 Code Officer: Scott Allman

First Notified: 7/13/2020

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.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on August 26, 2020 by the Special Magistrate. He requested a daily fine in the amount of \$150.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order beginning July 13, 2020 and running through and including August 27, 2020 for a total of \$6,900.00. The City retained vendor Mark Solomon Properties, who abated the violation(s) at the cost of \$157.00. 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 \$150.00 per day beginning July 13, 2020 and running through and including August 27, 2020 for a total of \$6,900.00, abatement costs of \$157.00 and mailing and recording costs to date of \$118.80. A lien is imposed on the property in the amount of \$7,175.80.

21. **CEB Case No.:** 20-1222
Respondent: Stephen J. Hart
Address of Violation: 39 Elda Lane, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 7/28/2020

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.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance September 18, 2020 as ordered in the previous hearing on September 9, 2020 by the Special Magistrate. He requested a daily fine in the amount of \$50.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order beginning September 19, 2020 and running through and including September 22, 2020 for a total of 4 days. The City retained vendor Mark Solomon Properties, who abated the violation(s) at the cost of \$110.00. A cost sheet for mailing and

recording costs in the amount of \$97.00 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 \$50.00 per day beginning September 19, 2020 and running through and including September 22, 2020 for a total of \$200.00, abatement costs of \$110.00 and mailing and recording costs to date of \$97.00. A lien is imposed on the property in the amount of \$407.00.

22. **CEB Case No.:** 20-1044

Respondent: Erica M. Firouzadj

Address of Violation: 5200 Rogers Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 6/25/2020

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 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of unimproved residential lots) 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.

23. **CEB Case No.:** 18-0364

Respondent: Across the Pond Development

Mark Venables, Registered Agent

Address of Violation: 5684 Riverside Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 3/14/2018

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: 304.7 Roofs and drainage.

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

24. **CEB Case No.:** 18-0563

Respondent: Robert I. & Connie J. Kisner

Address of Violation: 422 Plumosa Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 4/25/2018

Compliance: Yes

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

25. **CEB Case No.:** 19-1671

Respondent: Joel Jairo Arevalo & Yolanda Mirna Rodriguez

Address of Violation: 5622 Touro Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 11/25/2019

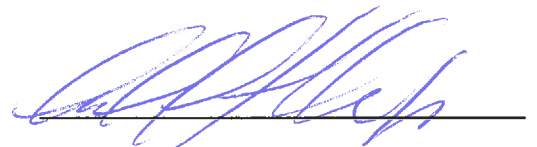
Compliance: No

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 September 6, 2020 as ordered in the previous hearing on August 26, 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 September 7, 2020 and running through and including September 28, 2020 for a total of 22 days. 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 September 7, 2020 and running through and including September 28, 2020 for a total of \$2,200.00 and mailing and recording costs to date of \$118.80. A lien is imposed on the property for a total amount of \$2,318.80.

D. ADJOURNMENT - 10:05 a.m.



Special Magistrate Fuller