

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JUNE 9, 2021

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
Daniel Bungart, Code Compliance Inspector
Deborah Pearson, Code Compliance Manager
Robin Fenwick, City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

There were no members of the public present; therefore, Special Magistrate Fuller did not provide an overview.

Consideration of Minutes

Special Magistrate Fuller approved the May 26, 2021 meeting minutes with amendments to item #11 & #13 to clarify the one-time fee is being imposed immediately.

Oaths

Code Compliance Inspectors Dennis Boehmer, Daniel Bungart, 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.:** 21-0473
Respondent: Ross Polito
Doreen Polito Goodwin
Address of Violation: 5479 Taylor Avenue, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 3/17/2021

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

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 by May 10, 2021 by mowing the entire property to include weed eating, removing all undergrowth, blowing yard debris back onto the property and removing any outside stored items and properly storing them in an enclosed building or removing from the property.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by June 16, 2021 by mowing the entire property to include weed eating, removing all undergrowth, blowing yard debris back onto the property and removing any outside stored items and properly storing them in an enclosed building or removing them from 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 imposed. 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 \$58.88 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 and the City has the option to abate. The property owner has until June 16, 2021 to mow the entire property to include weed eating, removing all undergrowth, blowing yard debris back onto the property and remove any outside stored items and properly store them in an enclosed building or remove them from the property or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$58.88 were awarded to the City.

4. **CEB Case No.:** 20-1739

Respondent: Lee Florin

MHC Pickwick L.L.C

Address of Violation: 4500 Clyde Morris Blvd., Pickwick Village Mobile Home
Park (298 Windsor Drive) Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 10/30/2020

Compliance: No

Cited for violation(s) - 2020 Florida Building Code, 7th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 8, Article I of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

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

5. **CEB Case No.:** 21-560
Respondent: Sonoa L. Mulder
Address of Violation: 253 Devon Street, Port Orange, FL 32127
Code Officer: Dennis Boehmer
First Notified: 3/30/2021

Compliance: Yes

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

6. **CEB Case No.:** 21-442
Respondent: Scott Theodore Zyrowski
Address of Violation: 191 Gibson Way, Port Orange, FL 32127
Code Officer: Dennis Boehmer
First Notified: 3/15/2021

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.

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

Ms. Joseph requested a continuation of the case to the August 25, 2021 hearing. Special Magistrate Fuller granted the continuation request.

C. ORDER IMPOSING FINE/LIEN

7. **CEB Case No.:** 21-170
Respondent: Estate of James V. Costanzo
Address of Violation: 121 Aloha Terrace, Port Orange, FL 32129
Code Officer: Daniel Bungart
First Notified: 2/4/2021

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.

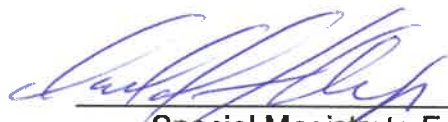
Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

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.

Daniel Bungart, Code Compliance Officer, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance May 5, 2021 as ordered in the previous hearing on April 28, 2021 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning May 6, 2021 and running through and including May 12, 2021 for a total of 7 days 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 \$350.00. A cost sheet for mailing and recording costs in the amount of \$97.41 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 beginning May 6, 2021 and running through and including May 12, 2021 for a total of \$700.00, abatement costs of \$350.00 and mailing and recording costs to date of \$97.41. A lien is imposed on the property for a total amount of \$1,147.41.

D. ADJOURNMENT - 9:24 a.m.


Special Magistrate Fuller