

SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JANUARY 12, 2022

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
Daniel Bungart, Code Compliance Inspector
Dennis Boehmer, Code Compliance Inspector
Robert Kuhn, Code Compliance Inspector
Scott Allman, Code Compliance Inspector
Amanda Bonin, Code Compliance Supervisor
Robin Fenwick, City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller did not provide an overview of the code enforcement process as there were no members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the December 8, 2021 meeting minutes as presented.

Oaths

Code Compliance Inspectors Dena Joseph, Amanda Bonin, Daniel Bungart, Dennis Boehmer, Scott Allman, and Robert Kuhn were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 21-1630
Respondent: Jorge E & Julie A Nunez
Address of Violation: 764 Eagle Ct., Port Orange, FL 32127
Code Officer: Dennis Boehmer
First Notified: 9/30/2021

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.

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.

4. CEB Case No.: 21-1938

Respondent: Kelly Lynn Gonzalez

Emmanuel Martin Gonzalez

Address of Violation: 419 Leslie Drive, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 11/19/2021

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.

Dennis 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 December 11, 2021 by mowing the front and back yard of all high weeds, grass and by removing all trash and debris that was observed in the front yard, driveway, on the covered patio and back yard.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by January 23, 2022 by mowing the entire yard of all high weeds, grass and by removing all trash and debris that was observed in the front yard, driveway, on the covered patio and back yard. 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 \$100.00 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. Mr. Boehmer requested the property be deemed a health and safety violation and any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$60.44 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 giving the City the option to abate the violation. The property owner has until January 23, 2022 to mow the entire yard of all high weeds and grass and remove all trash and debris that was observed in the front yard, driveway, on the covered patio and back

yard or a one-time fine in the amount of \$100.00 shall be imposed. Costs in the amount of \$60.44 were awarded to the City.

5. **CEB Case No.:** 21-2014

Respondent: Darrell & Sharon Blake

Address of Violation: 1157 Millbrook Avenue, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 12/9/2021

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), (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 December 20, 2021 by mowing the property of all high weeds and grass as well as removing all trash and debris to include any yard or tree debris.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by mowing the property of all high weeds and grass as well as removing all trash and debris to include any yard or tree debris. 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. Mr. Boehmer requested the property be deemed a health and safety violation and any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$60.44 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 mow the property of all high weeds and grass as well as remove all trash and debris to include any yard or tree debris or the City shall have the option to abate the violation. Costs in the amount of \$60.44 were awarded to the City.

6. **CEB Case No.:** 21-1916

Respondent: James E. Holloway

Address of Violation: 170 Iron Gate Circle, Port Orange, FL 32129

Code Officer: Robert Kuhn

First Notified: 11/17/2021

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames), of the 2021 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), (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 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 Parking of recreational vehicles and equipment on residential premises (a) (c) (3).

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)

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.

Robert Kuhn, 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. The violation was to be corrected by December 15, 2021 by repairing or replacing the broken window with an approved permit; mowing the entire property to include all high weeds and grass and blowing all debris back onto the property; properly registering and tagging the boat and trailer or removing them from the property; replacing or repairing the tires on the trailer; repairing the fence with an approved permit if needed; and cleaning and removing all garbage, trash and debris from the property. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections.

Mr. Kuhn recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by January 27, 2022 by repairing or replacing the broken window with an approved permit; mowing the entire property to include all high weeds and grass and blowing all debris back onto the property; properly registering and tagging the boat and trailer or removing them from the property; replacing or repairing the tires on the trailer; repairing the fence with an approved permit if needed; and cleaning and removing all garbage, trash and debris 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, the City shall have the option to abate the violation as it is a health and safety concern. 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. Kuhn requested any future violations

under this ordinance be considered repeat. The cost sheet in the amount of \$44.72 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 January 27, 2022 to repair or replace the broken window with an approved permit; mow the entire property to include all high weeds and grass and blow all debris back onto the property; properly register and tag the boat and trailer or remove them from the property; replace or repair the tires on the trailer; repair the fence with an approved permit if needed; and clean and remove all garbage, trash and debris from the property or the City shall have the option to abate the violation. Costs in the amount of \$44.72 were awarded to the City.

7. CEB Case No.: 21-1941

Respondent: Gwendolyn M. Johnson

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

Code Officer: Robert Kuhn

First Notified: 11/22/2021

Compliance: No

Cited for violation(s) - Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-34 (Location of Containers) 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. Kuhn testified as to the condition of the property, as well as the notice provided to the property owner. The violation was to be corrected by December 12, 2021 by removing all trash and debris from the property. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections.

Mr. Kuhn recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by January 20, 2022 by removing all trash and debris 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, the City shall have the option to abate the violation as the property is a health and safety concern. 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. Kuhn requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$44.72 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 January 20, 2022 to remove all trash and debris from the property, or the City shall have the option to abate the violation. Costs in the amount of \$44.72 were awarded to the City.

8. **CEB Case No.:** 21-1941 (2)

Respondent: Gwendolyn M. Johnson

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

Code Officer: Robert Kuhn

First Notified: 11/22/2021

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.

Mr. Kuhn testified as to the condition of the property, as well as the notice provided to the property owner. The violation was to be corrected immediately, as it is a repeat violation, by mowing and trimming the entire property, removing all weeds, and all debris blown back onto the property. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections.

Mr. Kuhn recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by mowing and trimming the entire property, removing all weeds, and all debris blown back onto the property. In the event the property is not brought into compliance immediately, and/or not maintained in a state of compliance, the City shall have the option to abate the violation as the property is a health and safety concern. 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. Kuhn requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$44.72 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 mow and trim the entire property, remove all weeds, and all debris blown back onto the property, or the City shall have the option to abate the violation. Costs in the amount of \$44.72 were awarded to the City.

9. **CEB Case No.:** 21-1696

Respondent: 2017-2 IH Borrower LP

Address of Violation: 5334 Coquina Shores Lane, Port Orange, FL 32128

Code Officer: Robert Kuhn

First Notified: 10/12/2021

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2018 International Property

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

Mr. Kuhn requested a continuation of the case to the February 23, 2022 Hearing. Special Magistrate Fuller granted the continuation request.

10. CEB Case No.: 21-1330

Respondent: Nath Florida Franchise Group

Address of Violation: 3811 Nova Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 10/26/2021

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code Chapter 15 Signs, Section 3 General Provisions (d) Construction and maintenance standards. All permitted signs shall be constructed and maintained in accordance with the following standards: (2) Copy. All copy shall be maintained so as to be legible and complete. (3) Structure. Signs shall be maintained in a vertical position unless originally permitted otherwise, and in good and safe condition at all times. (4) Damage. Damaged faces or structural members shall be replaced in a timely manner.

Amanda Bonin, 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 December 8, 2021 by replacing the broken sign panel on the monument sign or installing a temporary repair to the sign by installing a piece of plywood in it, painted white, until the new sign panel comes in.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by January 24, 2022 by replacing the broken sign panel on the monument sign or install a temporary repair to the sign by installing a piece of plywood in it, painted white, until the new sign panel comes in. 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. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$44.72 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 January 24, 2022 to replace the broken sign panel on the monument sign or install a temporary repair to the sign by installing a piece of plywood in it, painted white, until the new sign panel comes in or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$44.72 were awarded to the City.

11. CEB Case No.: 21-1978

Respondent: Brian Allen Player

Address of Violation: 5217 Frederick Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 11/30/2021 (typo on Notice of Violation corrected)

Compliance: No

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.

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.

2020 Florida Building Code, 7th Edition, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 8, Article 1, of the City of Port Orange Land Development Code.

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 parking all vehicles in the driveway or on an approved driveway extension made of rock or mulch and set apart with railroad timbers so as to appear as a parking space. This must adhere to the ordinance pertaining to the installation of driveway extensions that was attached to the original notice of violation. In addition, all unregistered or inoperable vehicles and motorcycles must be properly registered or covered with approved car covers in good condition, all outside stored items must be stored in an enclosed building, and all trash and debris is to be removed. Lastly, permits are to be applied for through the City of Port Orange Building Department for the new windows and sliding glass doors that have been installed, and the eave/porch that has been constructed on the front of the home. If no permits are applied for, then the items listed must be changed back to their original state and the eave/porch area that has been constructed must be removed.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by parking all vehicles in the driveway or on an approved driveway extension made of rock or mulch and set apart with railroad timbers so as to appear as a parking space. This must adhere to the ordinance pertaining to the installation of driveway extensions that was attached to the original notice of violation. In addition, all

unregistered or inoperable vehicles and motorcycles must be properly registered or covered with approved car covers in good condition, all outside stored items must be stored in an enclosed building, and all trash and debris is to be removed. Lastly, permits are to be applied for through the City of Port Orange Building Department for the new windows and sliding glass doors that have been installed, and the eave/porch that has been constructed on the front of the home. If no permits are applied for, then the items listed must be changed back to their original state and the eave/porch area that has been constructed must be removed. A daily fine in the amount of \$250.00 per day shall be imposed beginning on December 7, 2021 and continue for each day the violation continues if not corrected immediately. 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 \$44.72 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner is to immediately park all vehicles in the driveway or on an approved driveway extension made of rock or mulch and set apart with railroad timbers so as to appear as a parking space. This must adhere to the ordinance pertaining to the installation of driveway extensions that was attached to the original notice of violation. In addition, all unregistered or inoperable vehicles and motorcycles must be properly registered or covered with approved car covers in good condition, all outside stored items must be stored in an enclosed building, and all trash and debris is to be removed. Lastly, permits are to be applied through the City of Port Orange Building Department for the new windows and sliding glass doors that have been installed, and the eave/porch that has been constructed on the front of the home. If no permits are applied for, then the items listed must be changed back to their original state and the eave/porch area that has been constructed must be removed. A daily fine in the amount of \$250.00 per day shall be imposed beginning on December 7, 2021 and continuing for each day the violation continues if not corrected immediately. Costs in the amount of \$44.72 were awarded to the City.

12. CEB Case No.: 21-2051

Respondent: Allan R. Thompson

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

Code Officer: Dena Joseph

First Notified: 12/21/2021

Compliance: No

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), (f) Garbage, waste, trash, etc. prohibited 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.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. The violation was to be corrected immediately, as it is a repeat violation, by removing all trash and debris from the property, storing all outside items in an enclosed building, and properly registering or covering all unregistered/inoperable vehicles on the property. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections.

Allen Thompson, property owner, was sworn in by Special Magistrate Fuller, and testified as to the tenant who is renting the residential property. Mr. Thompson is evicting the tenant. Mr. Thompson answered questions of Special Magistrate Fuller.

The property is now in compliance; however, Ms. Joseph 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. She requested a daily fine in the amount of \$500.00 per day beginning December 21, 2021 and running through and including December 27, 2021 for a total of \$3,500.00. 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 \$36.86 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller discussed accountability with Mr. Thompson and advised him the violations need to stop.

Special Magistrate Fuller found the property in violation and ordered a daily fine in the amount of \$200.00 per day shall be imposed beginning December 21, 2021 and running through and including December 27, 2021 for a total of \$1,400.00. Costs in the amount of \$36.86 were awarded to the City.

13. CEB Case No.: 21-1900

Respondent: Maronda Homes LLC

C/O Scott Howard, Registered Agent

Address of Violation: 276 Farnbrook Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 11/12/2021

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.

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 November 30, 2021 by mowing the entire property to include weed-eating of all high weeds on site.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by January 19, 2022 by mowing the entire property to include weed-eating of all high weeds on site and blowing all yard debris 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 \$50.00 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 the property be deemed a health and safety violation and any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$44.72 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 January 19, 2022 to mow the entire property to include weed-eating of all high weeds on site and blow all yard debris back onto property or a daily fine in the amount of \$50.00 per day shall be imposed. Costs in the amount of \$44.72 were awarded to the City.

14. CEB Case No.: 21-1814

Respondent: Steven M Loos

Address of Violation: 537 Hamlet Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/25/2021

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.

Scott Allman, 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.

15. CEB Case No.: 21-1202

Respondent: Sally Powell Estate

Address of Violation: 1205 Sparton Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 6/30/2021

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.

Mr. Allman 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 December 13, 2021 by removing all garbage and construction debris from the backyard.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by January 31, 2022 by removing all garbage and construction debris from the back yard. 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 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. Mr. Allman requested the property be deemed a health and safety violation and any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$44.72 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 January 31, 2022 to remove all garbage and construction debris from the back yard or a daily fine in the amount of \$50.00 per day shall be imposed. The City has the option to abate the violations. Costs in the amount of \$44.72 were awarded to the City.

16. CEB Case No.: 21-1389

Respondent: IH3 Property Florida LP

Address of Violation: 820 Little Town Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/3/2021

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.

Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. The violation was to be corrected by December 1, 2021 by mowing the entire property, trimming all high weeds, and removing all undergrowth in the backyard to include the drainage ditch behind the home. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections.

The property is now in compliance; however, Mr. Allman recommended the property owners be found in violation of the above referenced codes as the property was not in compliance with the Notice of Hearing. Mr. Allman requested any future violations under this ordinance be

considered repeat. The cost sheet in the amount of \$60.44 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. Costs in the amount of \$60.44 were awarded to the City.

17. CEB Case No.: 20-1876

Respondent: Earl Lee Reed
Amanda Reed

Address of Violation: 410 Leslie Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/20/2020

Compliance: No

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 42-26 (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.

2020 Florida Building Code, 7th Edition, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 8, Article 1, of the City of Port Orange Land Development Code.

Mr. Allman requested a continuation of the case to the February 9, 2022 Hearing. Special Magistrate Fuller granted the continuation request.

18. CEB Case No.: 21-2010

Respondent: Molly Anne OSullivan
Karen OSullivan

Address of Violation: 1258 Robbin Drive, Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 12/9/2021

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.

Daniel Bungart, 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.

C. ORDER IMPOSING FINE/LIEN

19. CEB Case No.: 21-1777

Respondent: Stephen Stewart

Address of Violation: 717 Dove Avenue, Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 10/21/2021

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 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Mr. Bungart requested an Order Setting Fine/Lien as the property was not in compliance on or before December 13, 2021 as ordered in the previous hearing on December 8, 2021 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning December 14, 2021 and running through and including December 16, 2021 for a total of 3 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 \$106.00. A cost sheet for mailing and recording costs in the amount of \$90.72 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 December 14, 2021 and running through and including December 16, 2021 for a total of \$300.00, abatement costs of \$106.00 and mailing and recording costs to date of \$90.72. A lien is imposed on the subject property in the amount of \$496.72.

20. CEB Case No.: 21-1527

Respondent: WBA Portfolio Owner Fund V Galaxy LLC

Address of Violation: 1625 Taylor Road, Port Orange, FL 32128

Code Officer: Amanda Bonin
First Notified: 3/17/2021

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 14 Buildings and Building Regulations, Article 7 Commercial Property Maintenance Standards, Section 14-314 (a)(1)(2), (d)(2)(3)(4)(5)(6)(7)

City of Port Orange Code of Ordinances, Chapter 14 Buildings and Building Regulations, Article 7 Commercial Property Maintenance Standards, Section 14-315 (b)(1)(2)(3)

Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance on or before January 9, 2022 as ordered in the previous hearing on December 8, 2021 by the Special Magistrate. She requested a daily fine in the amount of \$150.00 per day beginning January 10, 2022 and running until the property is brought into compliance as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$114.30 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 January 10, 2022 and running until the property is brought into compliance and mailing and recording costs to date of \$114.30.

21. CEB Case No.: 21-1375

Respondent: Stacey L. Algieri

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

Code Officer: Dena Joseph

First Notified: 8/12/2021

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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on November 10, 2021 by the Special Magistrate. She requested a one-time fine in the amount of \$3,000.00 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 \$156.00. A cost sheet for mailing and recording costs in the amount of \$98.58 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 \$3,000.00, abatement costs of \$156.00 and mailing and recording costs to date of \$98.58. A lien is imposed on the subject property in the amount of \$3,254.58.

22. CEB Case No.: 21-1012

Respondent: J. Plummer Sherbino

J. Plummer Sherbino Rev. Living Trust

Address of Violation: 115 Fleming Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 5/26/2021

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 a continuation of the case to the February 23, 2022 hearing. Special Magistrate Fuller granted the continuation request.

23. CEB Case No.: 21-1066

Respondent: Geneva M. Wynter

Address of Violation: 717 Brom Bones Ct., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 6/4/2021

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance December 10, 2021 as ordered in the previous hearing on November 10, 2021 by the Special Magistrate. He requested a daily fine in the amount of \$50.00 per day beginning December 11, 2021 and running until the property is brought into compliance as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$98.58 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 December 11, 2021 and running until the property is brought into compliance and mailing and recording costs to date of \$98.58.

24. CEB Case No.: 21-1684

Respondent: Geneva M. Wynter

Address of Violation: 717 Brom Bones Ct., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/8/2021

Compliance: No

Cited for violation(s) - 2021 International Property Maintenance Code, Chapter 3, Section 303 Swimming Pools, Spas and Hot Tubs as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 303.1 Swimming Pools.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on November 10, 2021 by the Special Magistrate. He requested a daily fine in the amount of \$50.00 per day beginning October 8, 2021 and running through and including November 23, 2021 for a total of 47 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 \$2,079.00. A cost sheet for mailing and recording costs in the amount of \$98.58 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 October 8, 2021 and running through and including November 23, 2021 for a total of \$2,350.00, abatement costs of \$2,079.00 and mailing and recording costs to date of \$98.58. A lien is imposed on the subject property in the amount of \$4,527.58.

25. CEB Case No.: 21-1651

Respondent: Geneva M. Wynter

Address of Violation: 717 Brom Bones Ct., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/5/2021

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.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance November 17, 2021 as ordered in the previous hearing on November 10, 2021 by the Special Magistrate. The City retained vendor Mark Solomon Properties, who abated the violation(s) at the cost of \$206.00. A cost sheet for mailing and recording costs in the amount of \$98.58 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded abatement costs of \$206.00 and mailing and recording costs to date of \$98.58. A lien is imposed on the subject property in the amount of \$304.58.

Code Enforcement Special Magistrate Meeting

Wednesday, January 12, 2022

Page 18 of 18

D. ADJOURNMENT – 11:11 a.m.


Special Magistrate Fuller