

SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
APRIL 13, 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
Amanda Bonin, Code Compliance Manager
Robin Fenwick, 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 March 9, 2022 meeting minutes as presented.

Oaths

Code Compliance Inspector Dena Joseph was sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 22-160
Respondent: Orange & Blue Investments LLC
Address of Violation: 801 Banbury Drive, Port Orange, FL 32129
Code Officer: Scott Allman
First Notified: 2/7/2022

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 16
(Miscellaneous Regulations), Section 6 (Visual clearance): (a) (1)

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.

4. **CEB Case No.:** 21-2053
Respondent: Richard A. Rossi
Shelia D. Rossi
Address of Violation: 733 Niver Street, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 12/20/2021

Compliance: Yes

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.

Chapter 16 (Miscellaneous Regulations), Section 6 (Visual Clearance), (a) In General, (4) 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.

5. **CEB Case No.:** 22-0022

Respondent: Dillon Andrew Wilkerson

Amy Lyn Herron

Address of Violation: 730 Barlow Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/4/2022

Compliance: Yes

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.

Chapter 16 (Miscellaneous Regulations), Section 6 (Visual Clearance), (a) In General, (4) of the City of Port Orange Land Development Code.

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.

6. **CEB Case No.:** 21-209

Respondent: Barrow Ray L TR

Barrow Rev Living Trst

Barrow Tracy M TR

Address of Violation: 734 Barlow Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 12/20/2021

Compliance: Yes

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.

Chapter 16 (Miscellaneous Regulations), Section 6 (Visual Clearance), (a) In General, (4) 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.

7. **CEB Case No.:** 22-0099

Respondent: Gregory Krawchuk

Address of Violation: 722 Barlow Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/4/2022

Compliance: No

Cited for violation(s) - 2020 Florida Building Code, 7th Edition, Section 105 (Permits), 105.1 (Required), as adopted per Chapter 8, Article 1, of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos and emails were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by April 6, 2022 by obtaining the permit that is outstanding and paying all associated fees. In addition, a final inspection was to be called in to the City Building Department in order for the permit to be closed out and all corrections made to be in compliance with the permit.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by June 20, 2022 by calling in for a final inspection and complying with the provisions as set forth during that final inspection. 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 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 June 20, 2022 to call in for a final inspection and comply with the provisions as set forth during that final inspection 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.

C. ORDER IMPOSING FINE/LIEN

8. **CEB Case No.:** 21-491

Respondent: Turcotte Enterprises LLC

Address of Violation: 3664 Jackson Street, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 3/19/2021

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 10 Clearing, Grading, and Stormwater Management Article 2 Stormwater Management, Section 9 Prohibitions and exemptions (b) Exemptions. The following activities shall be exempt from this article: (6) The one-time construction of any structure or addition, not otherwise exempt, not exceeding 4,000 square feet of impervious or semi-impervious surface area subject to vehicular traffic. This area includes roads, parking lots, driveways and loading zones.

City of Port Orange Land Development Code, Chapter 10 Clearing, Grading, and Stormwater Management Article 2 Stormwater Management, Section 10 Stormwater Management permit review (c) Stormwater permit application and review. Application shall be made directly to the department (1) (a) (b) (c) (d) (e) (f) (g)

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

9. **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.

Ms. Joseph requested a continuation of the case to the May 11, 2022 hearing. Special Magistrate Fuller granted the continuation request.

10. **CEB Case No.: 21-1524**

Respondent: Sean C Derwick
Rachel L Derwick

Address of Violation: 720 Pringle Road, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 9/10/2021

Compliance: No

Cited for violation(s) - 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.

Ms. Joseph requested a continuation of the case for 90 days. Special Magistrate Fuller granted the continuation request.

11. **CEB Case No.:** 21-1984
Respondent: Jack Barnes
Address of Violation: 5483 Orange Avenue, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 12/2/2021

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), (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.:** 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 May 25, 2022 hearing. Special Magistrate Fuller granted the continuation request.

D. ADJOURNMENT – 9:12 a.m.



Special Magistrate Fuller