



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, February 24, 2016

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes - February 10, 2016

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 15-1787
Respondent: Robert C & Joyce M. Cassata
Address of Violation: 204 N. Brighton Dr.
Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 01/12/2016

Compliance: Yes

Cited for violation(s) -

Chapter 70, (Traffic), Article II, (Stopping, standing or parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, (1) (a) (b), and (2) of the City of Port Orange Code of Ordinances.

4. **CEB Case No.:** 16-0082

Respondent: Robert L. & Audrey L. Morgan

Address of Violation: 1460 Craig Court
Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 01/29/2016

Compliance: Yes

Cited for violation(s) - Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required): Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

C. ORDER IMPOSING FINE/LIEN

5. **CEB Case No.:** 15-1780

Respondent: Stacy L. Algieri

Address of Violation: 5245 Sydney St. Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 11/12/2015

Compliance: No

Cited for violation(s) - Chapter 42 Nuisances, Article II Garbage, Junk and Undergrowth, Section 42-32 Cleanliness of property – generally duty of owner (d)(f)(h) 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.

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. **NOTE:** IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
FEBRUARY 10, 2016

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:06 a.m.

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Deborah Faircloth, Code Compliance Inspector
Scott Allman, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Chris Hutchison, Code Enforcement Supervisor
Michael Ciochetti, Attorney for Code Enforcement
Robin Fenwick, City Clerk

Special Magistrate Branch reviewed the Code Enforcement hearing procedures.

Consideration of Minutes

Special Magistrate Branch approved the January 27, 2016 meeting minutes as presented.

Oaths

Code Compliance Inspectors Deborah Faircloth, Scott Allman, and Dena Joseph were sworn in by Special Magistrate Branch.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 15-1353 (Continued from 1/13/16)
Respondent: Akram Batniji
Address of Violation: 735 Dunlawton Avenue, Port Orange, FL 32129
Code Officer: Scott Allman
First Notified: 09/08/2015

Compliance: No

Cited for violation(s) - Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code.

Mr. Ciocchetti requested a continuance to determine ownership of the property. An extension of time to obtain a permit was permitted and was obtained. Future maintenance and ownership of the fence is being determined with City Staff. Staff asked for a continuance until March 9, 2016. Special Magistrate Branch granted the continuance.

5. CEB Case No.: 15-1949
Respondent: Ora Day LLC
C/O Corporation Service Company
Address of Violation: 3771 Clyde Morris Blvd. Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 12/30/2015

Compliance: Yes

Cited for violation(s) - Chapter 58 (Streets, Sidewalks, and other Public Places), Article II (Construction in Rights of Way), Section 58-40 (Removal of obstructions in rights of way)

Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-318 (Other property improvements; maintenance criteria), (c), (3) Walls and Fences

Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Chapter 14-318 (Other property improvements; maintenance criteria), (b). Signs, (1,) of the City of Port Orange Code of Ordinances

Ms. Faircloth requested a dismissal due to compliance. Special Magistrate Branch granted the dismissal.

6. CEB Case No.: 15-1883
Respondent: Glynn James Davies and Denise Davies
Address of Violation: 5107 Taylor Road, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 01/08/2016

Compliance: Yes

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d) & (f). High weeds and grass and garbage, trash and debris of the City of Port Orange Code of Ordinances.

Ms. Faircloth requested a dismissal due to compliance. Special Magistrate Branch granted the dismissal.

7. **CEB Case No.:** 15-1908
Respondent: Wai C. Mills ETAL
Address of Violation: 712 Pine Forest Trl E, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 01/07/2016

Compliance: Yes

Cited for violation(s) - Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code.

Ms. Faircloth requested a dismissal due to compliance. Special Magistrate Branch granted the dismissal.

8. **CEB Case No.:** 16-0160
Respondent: Billy Gordon
Address of Violation: 890 Chipmunk Tr., Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 02/09/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property general y-duty of owner), (f) Garbage, waste, trash, etc. prohibited) of the City of Port Orange Code of Ordinances: The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.

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: No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: An unsafe structure is one that is found to be dangerous to the life, health, property or

safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.3 (Structure unfit for human occupancy) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (5) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous: The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (6) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (9) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A building or structure, used or intended to be used for dwelling

purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Chapter 1 (Scope and Administration), Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (8) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and

resisting all load effects

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (12) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

Chapter 3 (General Requirements), Section 304 (Exterior Structure). 304.4 (Structural Members) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.6 (Exterior Walls) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.10 (Stairways, decks, porches and balconies) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.12 (Handrails and Guards) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.13 (Window, skylight and door frames) of the 2015 International Property Maintenance

Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.15 (Doors)) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.1 (General), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.4 (Stairs and Walking Surfaces), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.5 (Handrails and Guards), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every sink, lavatory, bathtub, or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system.

Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the

requirements of this chapter.

Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), 604.1 (Facilities Required) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605 (Electrical Equipment).

Chapter 6 (Mechanical and Electrical Requirements), Section 605 (Electrical Equipment), 605.1 (Installation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

Ms. Joseph testified as to the emergency nature of this case, as well as the condition of the property and the notice provided to the homeowner. There are squatters in and out of the house. It is a known drug house. There is an abundance of outside storage as well as sanitary issues with the home and property. The original notice posted on the property was done on February 8, 2016 stating the hearing date would be March 9, 2016. An imminent danger notice was posted on the property on February 5, 2016. Copy of the danger notice was introduced into evidence. Special Magistrate Branch believes Florida Statute Chapter 109.2 allows the Code Official to board up the property that is deemed an imminent danger. Mr. Ciocchetti advised that the Code Official is the City Manager or his/her designee according to City Ordinance. Said designation needs to be done.

Special Magistrate asked that Kerry Leuzinger, Building Official, appear for this hearing.

Hearing in recess for 15 minutes.

Reconvened at 9:34 a.m.

Kerry Leuzinger was sworn by Special Magistrate Branch, who questioned Mr. Leuzinger regarding the imminent danger notice posted at the property. Mr. Leuzinger testified that he has been designated by the City Manager as the Code Official as to the IPMC. Mr. Leuzinger recommends the property be boarded for safety issues. Staff has requested the Special Magistrate approve the Building Official's recommendation. Special Magistrate Branch does not believe he needs to approve the recommendation as the Building Official has the authority to board the property pursuant to the IPMC.

Special Magistrate Branch suggested hearing the code violations in March and allow the Building Official to exercise his authority to board the property. He asked that both heirs be notified of the March hearing date.

C. ORDER IMPOSING FINE/LIEN

9. **CEB Case No.:** 15-1913

Respondent: Juan F. & Mary L. Galarza

Address of Violation: 118 Carlton Place, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 12/15/2015

Compliance: Yes

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d) & (f) of the City of Port Orange Code of Ordinances.

Ms. Faircloth requested that a fine/lien be set against the property owner due to non-compliance of the notice. She provided copies of the Finding of Fact, referral to the City Manager, and Affidavit of Compliance. She recommended award of the abatement costs in the amount of \$175.00 and costs per the cost sheet in the amount of \$106.22. Special Magistrate Branch granted the recommendation.

10. **CEB Case No.:** 15-1395

Respondent: Patricia Manos

Address of Violation: 226 Pinerock Place, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 09/04/2015

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 requested that a fine/lien be set against the property owner due to non-compliance of the notice. This is a repeat violation case with deceased homeowners. He recommended award of the abatement costs in the amount of \$450.00 and costs per the cost sheet in the amount of \$99.62. Special Magistrate Branch granted the recommendation. Order Setting Fine/Lien was provided and signed.

11. **CEB Case No.:** 15-511

Respondent: Sandy J. Barnes

Address of Violation: 5645 Palm Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 04/16/2015

Compliance: No

Cited for violation(s) - 2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 103.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises, 108.6 Abatement methods.

Chapter 42, Section 42-26 (d)(f)(h) Cleanliness of property-generally duty of owner of the City of Port Orange Code of Ordinance.

Ms. Faircloth requested that a fine/lien be set against the property owner due to non-compliance of the notice. She recommended an award of the abatement costs in the amount of \$2,500.00 and costs per the cost sheet in the amount of \$92.60. Special Magistrate Branch granted the recommendation. He asked that an Amended Finding of Fact, Conclusion of Law, and Order be entered showing \$40.38 as the actual charges at the time of the original entry rather than the \$175.19 as reflected in the Finding of Fact.

William Coppage was sworn by Special Magistrate Branch and testified as to his interest in the property.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 10:08 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 15-1787

Name	Activity	Activity_Date	Status	Cost
Joyce Cassata	Mailing Notice of Violation/Notice of Hearing to 427 15th Street, Holly Hill, FL 32117	01/13/2016	Green card signed on 9-15-16	\$6.73
Robert Cassata	Mailing Notice of Violation/Notice of Hearing to 427 15th Street, Holly Hill, FL 32117	01/13/2016	Green card signed on 1/15/16	\$6.73

Total: \$13.46



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1787

To: Robert C. & Joyce M. Cassata
427 15th Street
Holly Hill, FL 32117-2101

Re: 204 N. Brighton Dr
Port Orange, FL 32127
Parcel ID: 6321-01-04-0100

LEGAL DESCRIPTION: LOT 10 CAMBRIDGE SUBDIVISION UNIT IV MB 33 PG 139 PER OR 2759 PG 1847
Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 19, 2015 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 70, (Traffic), Article II, (Stopping, standing or parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, (1) (a) (b), and (2) of the City of Port Orange Code of Ordinances.

An inspection of the property was conducted on October 19, 2015. Upon inspection, I observed a vehicle on jack stands under repair and in an inoperable condition. Re-inspections were conducted on November 2, 2015, November 19, 2015, December 10, 2015 and January 5, 2016 showing that the alleged violation(s) have not been corrected. To correct the violation(s), the disabled/abandoned vehicle must be removed from the property, stored in an enclosed garage or repaired and in an operable condition.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **January 27, 2016**

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate February 24, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.90 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

At the event the **Special Magistrate**, during the hearing on **February 24, 2016** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **April 13, 2016, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5641.

DATED this 11th day of January, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert C. & Joyce M. Cassata, 427 15th St, Holly Hill, FL 32117-2101. RE: 204 N. Brighton Dr, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 3:05 pm.

this 12th day of January, 2016.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert C. & Joyce M. Cassata, 427 15th St, Holly Hill, FL 32117-2101. RE: 204 N. Brighton Dr, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 13 day of January, 2016.



Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.



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Parcel Information: 6321-01-04-0100 **2016 Working Tax Roll** Last Updated: 01-03-2016

Owner Name and Address

Alternate Key	3656865	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6321-01-04-0100	Mill Group	402 Port Orange
Full Parcel ID	21-16-33-01-04-0100	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	CASSATA ROBERT C & JOYCE M		
Owner Name/Address 1			
Owner Address 2	427 15TH STREET		
Owner Address 3	HOLLY HILL FL		
Owner Zip/Postal Code	32117-2101		
Situs Address	204 N BRIGHTON DR PORT ORANGE 32127		

Legal Description
LOT 10 CAMBRIDGE SUBDIVISION UNIT IV MB 33 PG 139 PER OR 2759 PG 1847

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
2759 1847	12/1985	Warranty Deed	Qualified Sale	Yes	57,900
2033 1481	12/1978	Warranty Deed	Qualified Sale	Yes	37,500
1792 1289	08/1975	Warranty Deed	Unqualified Sale	No	51,200

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	15,178	90,462	0	105,640	105,640	91,971	0	105,640	0	91,971
2014	15,178	80,432	0	95,610	95,610	83,610	0	95,610	0	83,610

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	80.0	115.0	80.00	FRONT FEET	180.00	105	100	100	100	15,178
Neighborhood 5708 CAMBRIDGE SUB UNIT 1,											
Total Land Classified											0
Total Land Just											15,178

Building Characteristics
Building Number: 117977 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Dep.	Func. Obs.	Loc. Obs.	Next Review
117977	Single Family	170	1976	300		26%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	4 Fixture Bath 0		
Roof Cover	ASPHALT SHINGL	Wall Type		Plaster	X Fixture Bath	0	5 Fixture Bath 0		
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath 0		
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath 0		
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C Yes		
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Res BASE Area (BAS)	CONC OR CINDER BLOCK	1.0	1976	N	0%	0%	1316 Sq. Feet	
002	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1976	N	0%	0%	192 Sq. Feet	
003	Finished Garage (FGR)	Non-Applicable	1.0	1976	N	0%	0%	524 Sq. Feet	
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1976	N	0%	0%	96 Sq. Feet	

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

27591847

BOOK PAGE
VOLUSIA COUNTY
FLORIDA

This instrument was prepared by:
Name H. Pope Hamrick, Jr.
Attorney at Law
Address P. O. Box 710

Warranty Deed

(STATUTORY FORM—SECTION 689.02 F.S.)

Daytona Beach, FL 32015

This Indenture, Made this 5th day of December 1985, Between
ROBERT I. POLLACK, a single man, and CAROL A. POLLACK, a single woman

of the County of Volusia, State of Florida, grantor*, and

ROBERT C. CASSATA and JOYCE M. CASSATA, his wife

whose post office address is 204 N. Brighton, Port Orange, FL 32019

of the County of Volusia, State of Florida, grantee*,

Witnesseth, That said grantor, for and in consideration of the sum of -----Ten & 00/100-----

-----(\$10.00)-----

Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Volusia County, Florida, to-wit:

Lot 10, CAMBRIDGE SUBDIVISION, UNIT IV, according to the map or plat thereof, as recorded in Map Book 33, Page 139, of the Public Records of Volusia County, Florida.

Subject to taxes for 1986 and subsequent years.

REC FEE \$ 5.00 REC'D PAYMENT AS
DOC ST \$ 2.45 INDICATED FOR CLASS
INT TAX \$ "C" INTANGIBLE & DOQ
SER CHG \$ STAMP TAXES, SIGNED
REFUND \$

Clark Circuit Court Volusia Co. Florida V. J. Smith

CLERK OF COURT
VOLUSIA COUNTY, FLORIDA

Dec 6 11 05 AM '85

FILED FOR RECORD
RECORD VERIFIED

123609

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof,

Signed, sealed and delivered in our presence:

H. Pope Hamrick, Jr.
Linda S. Stewart

Robert I. Pollack (Seal)
Robert I. Pollack

(Seal)

Carol A. Pollack (Seal)
Carol A. Pollack

(Seal)

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

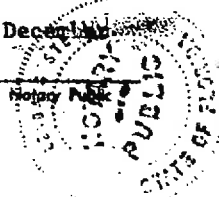
Robert I. Pollack, a single man, and Carol A. Pollack, a single woman

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of December 1985.

My commission expires: 5/22/89

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAY 22, 1989
BO-1019 FROM GENERAL REG. REG.



123609

Sidewalk means that portion of a street between the curbline or the lateral line of a roadway and the adjacent property lines intended for use by pedestrians.

Stand or *standing* means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers, as may be permitted by law under this chapter.

Stop, when required, means complete cessation of movement.

Stop or *stopping*, when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic, or to comply with the directions of a law enforcement officer or traffic control sign or signal.

Street or *highway* means the entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic; or any area such as a runway, taxiway, ramp, clear zone or parking lot within the boundary of any airport owned by the state, a county, a municipality or a political subdivision, which area is used for vehicular traffic, but which is not open for vehicular operation by the general public.

(Code 1981, § 19-25; Ord. No. 2001-36, § 1, 6-26-01; Ord. No. 2008-42, § 1, 1-20-09)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 70-49. - Restrictions on disabled or abandoned vehicles.

(a) *Findings of fact.*

- (1) Aesthetic views on residentially-zoned and agriculturally-zoned private property relate to the general welfare of the people of the city through the tendency to preserve or enhance the value of residentially-zoned and agriculturally-zoned private property.
- (2) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, is an unpleasant sight to a reasonable person with average sensibilities.
- (3) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, tends to depreciate the value of neighboring residentially-zoned and agriculturally-zoned private property, thereby injuring the general welfare of the people of the city.

(b) *Definitions.* The following words, terms and phrases, when used in this section or section 70-50, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Code inspector* shall be defined as provided in F.S. § 162.04.
- (2) *Disabled or abandoned vehicle* means a vehicle which:
 - a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;
 - b. Has no engine, transmission, or other major and visible parts, or has other major or

visible components which are dismantled;

- c. Is unlicensed;
 - d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or
 - e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.
- (3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.
- (4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.
- (5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the top of vehicle.
- (6) *Vehicle* shall be defined as provided in F.S. § 316.003.

(c) Restrictions.

- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:
- a. Within a completely enclosed garage; or
 - b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.
- (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
- (3) No person shall oppose, obstruct, or resist any code inspector or any person authorized by the code inspector in the discharge of duties or responsibilities provided in this section or section 70-50.
- (d) *Evidence*. In order to conclude that a vehicle is disabled or abandoned, the code inspector must determine that the vehicle has been disabled or abandoned for at least 15 consecutive calendar days, or that the vehicle violates any of the criteria contained in subsection (c)(1) or (c)(2) of this section.
- (e) *Responsibility for compliance*. The owner of the disabled or abandoned vehicle and the owner or occupant of the property on which such vehicle is located shall be jointly and individually responsible for compliance with the requirements of this section.

(Ord. No. 1998-23, § 1, 7-21-98)

Case Cost Sheet Log

Case No. 16-0082

Name	Activity	Activity_Date	Status	Cost
Audrey L. Morgan	Mailing Notice of Violation/Notice of Hearing to 1460 Craig Court, Port Orange, FL 32129	02/03/2016	Green card signed for on 2/5/16	\$6.95
Robert L. Morgan	Mailing Notice of Violation/Notice of Hearing to 1460 Craig Court, Port Orange, FL 32129	02/03/2016	Green card signed for on 2/5/16	\$6.95

Total: \$13.90



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-0082

To: Robert L. & Audrey L. Morgan
Property Owners
1460 Craig Court
Port Orange, FL 32129

Re: 1460 Craig Court
Port Orange, FL 32129
Parcel ID: 6307-10-00-0390

LEGAL DESCRIPTION: LOT 39 HIDDEN LAKE PHASE III MB 39 PG 169 PER OR 3764 PG 4134 PER OR 6448 PG 0961 PER
OR 6477 PG 2469 PER OR 6524 PG 2837 PER OR 6766 PG 3322

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **DECEMBER 17, 2015** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required): Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Case transferred from Inspector Amanda Bonin on December 17, 2015. Complaint was received concerning a shed that was constructed at this location without proper permits. The property owner stated that the shed was there when he purchased the home. Google images show that the shed was there in 2008. Owner was instructed that because the shed did not meet the appropriate setbacks, that a permit would need to be obtained and that if the shed was not in compliance, that it would need to be moved or taken down. As of this date, nothing has been done to obtain a permit.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

THIS CORRESPONDENCE WILL SERVE AS OFFICIAL NOTIFICATION THAT THE ABOVE STATED VIOLATION(S) MUST BE CORRECTED BY FEBRUARY 22, 2015 BY SUBMITTING ALL NECESSARY PAPERWORK TO THE BUILDING DEPARTMENT FOR OBTAINING A PERMIT AND COMPLYING WITH THE PROVISIONS AS SET FORTH IN THE PERMIT.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** **FEBRUARY 24, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.90 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

in the event the **Special Magistrate**, during the hearing on **FEBRUARY 24, 2016** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **APRIL 13, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506- 5645.

DATED this 29th day of January, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
DENA JOSEPH, CODE ENFORCEMENT OFFICER

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **ROBERT L. & AUDREY L. MORGAN, PROPERTY OWNERS, 1460 CRAIG COURT, PORT ORANGE, FL 32129**, was

☒ Hand-delivered Recipient of hand delivered documents: Robert Morgan
☐ Posted at the property

Time: approx. 4:00pm

this 29th day of January, 2015.

Dena Joseph
DENA JOSEPH, CODE ENFORCEMENT OFFICER

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to ROBERT L. & AUDREY L. MORGAN, PROPERTY OWNERS, 1460 CRAIG COURT, PORT ORANGE, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified

this 3rd day of February, 2015.


Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.



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Parcel Information: 6307-10-00-0390 **2016 Working Tax Roll** Last Updated: 01-17-2016

Owner Name and Address

Alternate Key	4725024	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6307-10-00-0390	Mill Group	402 Port Orange
Full Parcel ID	07-16-33-10-00-0390	2015 Final Mill Rate	20.86510
Created Date	24 JAN 1985		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	MORGAN ROBERT L & AUDREY L		
Owner Name/Address 1			
Owner Address 2	1460 CRAIG CT		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	1460 CRAIG CT PORT ORANGE 32129		

Legal Description
 LOT 39 HIDDEN LAKE PHASE III MB 39 PG 169 PER OR 3764 PG 4134 PER OR 6448 PG 0961 PER OR 6477 PG 2469 PER OR 6524 PG 2837 PER OR 6766 PG 3322

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6766 3322	09/2012	Warranty Deed	Qualified Sale	Yes	139,000
6524 2837	10/2010	Warranty Deed	Qualified Sale	Yes	125,000
6477 2469	05/2010	Warranty Deed	Institutional / bank	Yes	43,900
6448 0961	02/2010	Certificate of Title	Unqualified Sale	Yes	100
3764 4134	08/1992	Warranty Deed	Qualified Sale	Yes	85,000
3513 0628	08/1990	Warranty Deed	Qualified Sale	Yes	77,000
3380 1816	10/1989	Warranty Deed	Qualified Sale	Yes	77,000
2649 1089	01/1985	Warranty Deed	Qualified Sale	Yes	61,000
2610 0704	09/1984	Warranty Deed	Multi parcel sale	No	300,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	15,609	89,939	17,061	122,609	99,889	99,889	25,000	74,889	25,000	49,889
2014	15,609	86,289	7,823	109,721	99,096	99,096	25,000	74,096	25,000	49,096

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	75.0	115.0	75.00	FRONT FEET	215.00	97	100	100	100	15,609
Neighborhood 5864 HIDDEN LAKE PH I,II,III,IV-A&											
Total Land Classified											0
Total Land Just											15,609

Building Characteristics
 Building Number: 149025 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
149025	Single Family	188	1985	300		22%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	4 Fixture Bath 0		
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath 0		
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath 0		
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath 0		
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C Yes		
Section Number	Area Type	Exterior Wall Type		Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	CONC OR CINDER BLOCK		1.0	1985	N	0%	0%	1423 Sq. Feet
002	Porch, Open Unfinished (UOP)	Non-Applicable		1.0	1985	N	0%	0%	400 Sq. Feet

Prepared by:
Margie Patchett
Adams Cameron Title Services, Inc.
444 Seabreeze Blvd, Suite 170
Daytona Beach, Florida 32118

File Number: 20642

10/05/2012 08:47 AM
Doc stamps 973.00
(Transfer Amt \$ 139000)
Instrument# 2012-179520 # 1
Book : 6766
Page : 3322

General Warranty Deed

Made this September 28, 2012 A.D. By **NuView IRA, Inc., f/k/a, Entrust Administration Services, Inc. FBO Caleb Janssen IRA** whose address is: 1064 Greenwood Blvd., Suite 312, Lake Mary, FL 32746, hereinafter called the grantor, to **Robert L. Morgan and Audrey L. Morgan, husband and wife**, whose post office address is: 1460 Craig Court, Port Orange, Florida 32129, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Volusia County, Florida, viz:

Lot 39, Hidden Lake - Phase III, according to the map or plat thereof, as recorded in Map Book 39, Page 169, of the Public Records of Volusia County, Florida.

**** See Exhibit "A"**

Parcel ID Number: 6307-10-00-0390

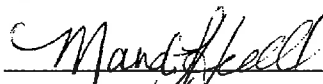
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

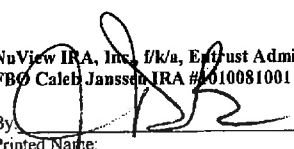
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2011.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

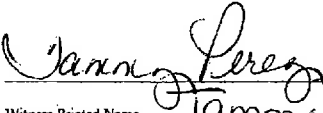
Signed, sealed and delivered in our presence:


Witness Printed Name Mandi Howell

NuView IRA, Inc. f/k/a, Entrust Administration Services, Inc.
FBO Caleb Janssen IRA #010081001

By 
Printed Name: _____
It's: _____

Address: 1064 Greenwood Blvd., Suite 312, Lake Mary, FL 32746


Witness Printed Name Tammy Perez

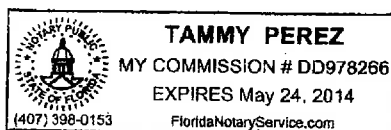
_____(Seal)

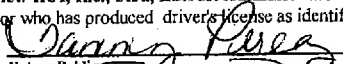
Address:

State of Florida

County of Volusia
Seaside

The foregoing instrument was acknowledged before me this 28th day of September, 2012, by Jason DeBono as Authorized Signer of NuView IRA, Inc., f/k/a, Entrust Administration Services, Inc. FBO Caleb Janssen IRA #010081001 who is/are personally known to me or who has produced driver's license as identification.




Notary Public
Print Name: Tammy Perez
My Commission Expires: _____



Instrument# 2012-179520 # 2
Book : 6766
Page : 3323
Diane M. Matousek
Volusia County, Clerk of Court

Self-directed retirement accounts
for alternative investments

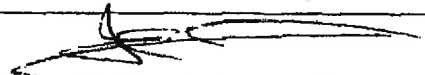
Corporate Resolution
(For Naming Authorized Officers)

Be it Resolved that:

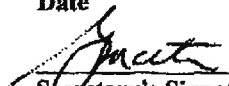
Glen Mather and/or Jason Debono and/or Imran Ali are hereby authorized to purchase, sell, assign, and endorse for transfer, certificates representing stocks, bonds, mortgages, notes, or other securities now registered for hereafter registered in the name of this Corporation; and are hereby authorized to purchase, sell, assign, or make conveyance of all real property or registered in the name of this Corporation and to execute and deliver all documents as may be necessary in connection with such purchase, sell, assignment, or conveyance.

I Glen Mather-President & Secretary of NuView IRA, Inc. (the "Organization") hereby certify that the foregoing is a true copy of a resolution duly adopted by the directors of the Organization, at a meeting duly held on the 30th day of December, 2011 at which a quorum was present and voting and that the same has not been repealed or amended and remains in full force and effect and does not conflict with the Articles of Incorporation of the Organization.

Specimen Signatures

 Glen Mather-President & Secretary	 Imran Ali-Alternate Corporate Signer
 Jason DeBono-Alternate Corporate Signer	

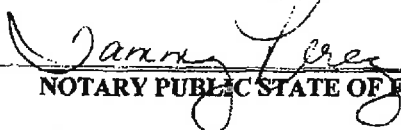
This Document must be signed in the presence of a Notary Public

12/30/11
Date

Secretary's Signature

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing document was acknowledged before me this 30 day of December, 2011 by Glen Mather-President/Secretary, Jason Debono and Imran Ali-Alt. Corp.Signers, NuView IRA, Inc, who have all produced valid Florida driver's license as identification.




NOTARY PUBLIC STATE OF FLORIDA

[A] **104.9 Approved materials and equipment.** Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

[A] **104.9.1 Used materials and equipment.** The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

[A] **104.10 Modifications.** Reserved.

[A] **104.10.1 Flood hazard areas.** Reserved.

[A] **104.11 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety.

[A] **104.11.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

[A] **104.11.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

SECTION 105 PERMITS

[A] **105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the *building official* and obtain the required *permit*.

[A] **105.1.1 Annual facility permit.** In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office sys-

tem(s), the *building official* is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The *building official* shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

[A] **105.1.2 Annual permit records.** The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.

105.1.3 Food permit. In accordance with Section 500.12, *Florida Statutes*, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.1.4 Public swimming pool. The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, *Florida Statutes*. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, *Florida Statutes*. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

[A] **105.2 Work exempt from permit.** Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code. *Permits* shall not be required for the following:

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.

Case Cost Sheet Log

Case No. 15-1780

Name	Activity	Activity_Date	Status	Cost
Stacy Algieri	Mailing Notice of Violation/Notice of Hearing to 5245 Sydney Street, Port Orange, FL 32127	11/17/2015	Certified Mail Returned to City Clerk's Office marked "Not Deliverable as Addressed/Unable to Forward" dated 11/23/15	\$6.95
Stacy Algieri	Mailing Finding of Fact/Conclusion of Law & Order to 5245 Sydney Street, Port Orange, FL 32127	01/13/2016		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	01/13/2016		\$27.00
Stacy Algieri	Mailing Order Setting Fine/Lien to 5245 Sydney Street, Port Orange, FL 32127	02/24/2016		\$6.95
Clerk of Court	Recording Fee - Order Setting Fine/Lien	02/24/2016		\$44.00

Total: \$92.11



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1780

To:
Stacy L. Algieri
5245 Sydney St.
Port Orange, FL 32127

Re: 5245 Sydney St.
Port Orange, FL 32127
Parcel ID: 6315-07-22-0030

LEGAL DESCRIPTION: LOT 3 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104 THRU 106 PER
OR 4621 PG 3468

Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 19, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

City of Port Orange Code of Ordinances, Chapter 42 Nuisances, Article II Garbage, Junk and Undergrowth, Section 42-32 Cleanliness of property – generally duty of owner (d)(f)(h). Briefly stated, Property shall be mowed and maintained and kept free of all garbage, junk, and undergrowth.

City of Port Orange Code of Ordinances, Chapter 42 Nuisances, Article II Garbage, Junk and Undergrowth, Section 42-32 Storage of vehicles, furniture, etc. Briefly stated, no owner of property within the city shall permit the storage of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

On October 29, 2015, I observed that this entire property is overgrown and needs to be mowed and maintained. Additionally, there is an old hot tub and other items that need to be removed and/or properly stored. There is an active permit on this property to install a mobile home. That process has stopped and the contractor as well as myself have been unable to reach the owner. An inspection of the property on November 11, 2015, showed the property is still in violation.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **November 30, 2015**.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate January 13, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 6.95 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **January 13, 2016**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **February 24, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 12th day of November, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Stacy L. Algieri, 5245 Sydney St., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 12:15 pm

this 12th day of November, 2015.

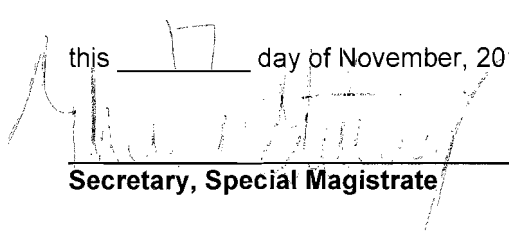
Deborah Faircloth
Deborah Faircloth

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Stacy L. Algieri, 5245 Sydney St., Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified

this 17 day of November, 2015.



Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT E RELAY OPERATOR AT 1-800-955-8771.

15-1780



Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.



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[Property Information](#)

Parcel Information: 6315-07-22-0030 2016 Working Tax Roll Last Updated: 11-08-2015

Owner Name and Address

Alternate Key	3637712	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-07-22-0030	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-07-22-0030	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	ALGIERI STACEY L		
Owner Name/Address 1			
Owner Address 2	5245 SYDNEY ST		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	5245 SYDNEY ST PORT ORANGE 32127		

Legal Description

LOT 3 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104 THRU 106 PER OR 4621 PG 3468

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4621	3468	08/2000	Quit Claim Deed	Unqualified Sale	Yes	10
4199	0899	04/1997	Warranty Deed	Distress sale	Yes	22,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	15,514	12,747	0	28,261	28,261	28,261	0	28,261	0	28,261
2014	15,514	12,333	0	27,847	25,429	25,429	25,000	429	0	429

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	58.0	108.0	58.00	FRONT FEET	259.99	103	100	100	100	15,514
Neighborhood 5773 COMMONWEALTH M-H EST MB 26-PG											
Total Land Classified											0
Total Land Just											15,514

Building Characteristics

Building Number: 116248 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
116248	Mobile Home	164	1973	200	Mobile Home	70%	0%	0%	2999
Rooft Type	FLAT	Floors	Carpet	Bedrooms	3	4 Fixture Bath	0		
Rooft Cover	METAL	Wall Type	Plywood Panel	X Fixture Bath	0	5 Fixture Bath	0		
Heat Type1	Forced Ducted	Heat Source1	Electricity	2 Fixture Bath	0	6 Fixture Bath	0		
Heat Type2		Heat Source2		3 Fixture Bath	1	7 Fixture Bath	0		
Foundation	Wd Conc Piers	Year Remodeled		Fireplaces	0	A/C	No		

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001 Res BASE Area (BAS)		ALUMINUM SIDING	1.0	1973	N	0%	0%	980 Sq. Feet
004 Porch, Open Unfinished (UOP)		Non-Applicable	1.0	1973	N	0%	0%	80 Sq. Feet
005 Unfinished Enclosed Porch (UEP)		Non-Applicable	1.0	1973	N	0%	0%	270 Sq. Feet

Return to: (enclose self-addressed stamped envelope)

Name:

Address:

This Instrument Prepared by:

Name:

Address:

Property Appraiser's Parcel Identification

Folio Number(s):

Grantee(s) S.S. # (s)

12/07/2000 12:41
 Doc stamps 0.70
 (Transfer Amt \$ 10)
 Instrument # 2000-224092
 Book: 4621
 Page: 3468
 Diane M. Matousek
 Volusia County, Clerk of Court

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Quit Claim Deed, Executed the 20th day of August 2000 by
Edward + Stacey Algeri (husband + wife)
 first party, to Stacey Algeri
 whose post office address is 05245 Sydney St. Port Orange 32127
 second party.

(Wherever used herein the terms "first party" and "second party" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the first party, for and in consideration of the sum of \$ 10.00
 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release,
 and quit claim unto the second party forever, all the right, title, interest, claim and demand which the said first
 party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of
Volusia, State of Florida, to-wit:

Single wide mobile home + land
 Located at 5245 Sydney St. Port Orange,
 Lot 3, Block 22, Commonwealth mobile
 Home Estates, 2nd Edition according
 to the map or plan thereof, as recorded
 in map book 31, page 104-106 of the public records
 of Volusia County, Florida.

To Have and to Hold The same together with all and singular the appurtenances thereunto belonging
 or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said
 first party, either in law or equity to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof, the said first party has signed and sealed these presents the day and year first
 above written.

Signed, sealed and delivered in the presence of:

Gina Reid
 Witness Signature (as to first Grantor)

Gina Reid
 Printed Name

Laura Welsch
 Witness Signature (as to first Grantor)

Laura Welsch
 Printed Name

Gina Reid
 Witness Signature (as to Co-Grantor, if any)

Gina Reid
 Printed Name

Laura Welsch
 Witness Signature (as to Co-Grantor, if any)

Laura Welsch
 Printed Name

Laura Welsch
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Laura Welsch
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Edward L. Algeri
 Grantor Signature

Edward L. Algeri
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Edward L. Algeri
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NOTARY RUBBER SEAL
 Gina W. Reid
 Commission # CC 754887
 Expires August 7, 2002
 BONDED THRU
 ATLANTIC BONDING CO., INC.

I hereby Certify that on this day, before me, an officer duly authorized
 to administer oaths and take acknowledgments, personally appeared

this 20 day of Aug 2000

Gina W. Reid
 Notary Signature

Gina W. Reid
 Printed Name

Sec. 42-26. - Cleanliness of property generally—Duty of owner.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g)

No property maintenance permit required; other restrictions and requirements applicable. No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

- (h) *Abutting property owner maintenance of parkages.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

(Code 1981, § 10-1; Ord. No. 1994-5, § 1, 3-15-94)

Sec. 42-32. - Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1780

Stacy L. Algieri
5245 Sydney St.
Port Orange, FL 32127,

Respondent.

Property Address: 5245 Sydney Street, Port Orange, FL 32127
Parcel ID: 6315-07-22-0030

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

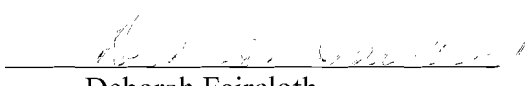
BEFORE ME, the undersigned authority, personally appeared Deborah Faircloth, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5245 Sydney St., Port Orange, Florida 32127, is owned by Stacy L. Algieri.
4. That 5245 Sydney St., Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5245 Sydney St., Port Orange, Florida 32127, at 12:15 p.m. on the 12th day of November, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

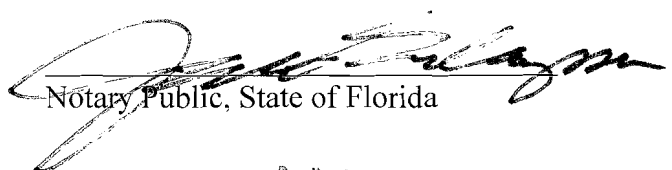
FURTHER AFFIANT SAYETH NOT.

DATED this 12th day of November, 2015.


Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 12th day of November, 2015, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No.

