



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, October 26, 2022

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 - September 14, 2022

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 22-1290
Respondent: Brian McAndrew
Brooke E. Bustrann
Address of Violation: 4637 Secret River Trail, Port Orange, FL 32129
Code Officer: Bailey Hornbuckle
First Notified: 9/12/2022

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 (h) Abutting property owner maintenance of parkages

4. **CEB Case No.:** 22-751
Respondent: Ashton PV 129 TIC LLC ETAL - TIC
Ashton PV 80M TIC LLC - TIC
Ashton N62 TIC LLC - TIC
Address of Violation: 6305 S. Williamson Boulevard, Port Orange, FL 32128
Code Officer: Summer Jameson
First Notified: 6/10/2022

Compliance: No

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

Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage (3) Commercial uses.

Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 Parking of recreational vehicles and equipment on residential premises.

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

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (4) Design and Maintenance (b) All fences shall be maintained in their original upright condition

Code of Ordinances of the City of Port Orange, Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Sec. 14-314 (Landscaping and buffers - Maintenance criteria), (a) Approved landscape plans (2) Shrubs.

Code of Ordinances of the City of Port Orange, Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Sec. 14-315. (Same-Replacement criteria), (a) Landscape plantings.

Chapter 6 (Mechanical and Electrical Requirements) Section 605 (Electrical Equipment) 605.1 (Installation) of the 2021 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

5. **CEB Case No.:** 22-953

Respondent: Jack Peter
Otila Massaro

Address of Violation: 724 Horsemen Drive, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 7/19/2022

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances.

6. **CEB Case No.:** 22-1226

Respondent: C/O Barry M. Sickles, Esq., Registered Agent

Address of Violation: 4041 Nova Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/26/2022

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), (c) Maintenance of commercial and industrial zoned lots of the City of Port Orange Code of Ordinances.

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

7. **CEB Case No.:** 22-1197

Respondent: HUD

Address of Violation: 941 Sand Crest Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/22/2022

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 (h) Abutting property owner maintenance of parkages.

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

Chapter 3, Section 304 (Exterior Structure), 304.6 (Exterior Walls), of the 2021 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

8. **CEB Case No.:** 20-1054

Respondent: Scott Taylor

Address of Violation: 9 E. Magnolia Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 6/30/2020

Compliance: No

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

9. **CEB Case No.:** 22-1322

Respondent: Stacey L. Algieri

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

Code Officer: Robert Kuhn

First Notified: 9/16/2022

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 (h) Abutting property owner maintenance of parkages

10. **CEB Case No.:** 22-1323

Respondent: Darrell Blake

Sharon Blake

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

Code Officer: Robert Kuhn

First Notified: 9/16/2022

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.

11. **CEB Case No.:** 22-1007

Respondent: Kevin A. Emswiler

Lisa A. Emswiler

Address of Violation: 1148 Millbrook Avenue, Port Orange, FL 32127

Code Officer: Robert Kuhn

First Notified: 7/25/2022

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.

12. **CEB Case No.:** 22-1161

Respondent: Jasmine Jaya

Address of Violation: 717 Marshall Circle, Port Orange, FL 32127

Code Officer: Robert Kuhn

First Notified: 8/17/2022

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.

13. **CEB Case No.:** 22-1203

Respondent: Tylo Investments, LLC C/O Kathleen L. Crotty

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

Code Officer: Robert Kuhn

First Notified: 8/25/2022

Compliance: No

Cited for violation(s) - Per the City of Port Orange's Land Development Code, Land Development Code, Chapter 8, Article III, Section 8(c)(3)(g): Applications and permits.

14. **CEB Case No.:** 22-1034

Respondent: Linda A. Kellar

Address of Violation: 128 Barefoot Trail, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 7/28/2022

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

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

15. **CEB Case No.:** 22-0983

Respondent: Johnny Ray Hamilton

Address of Violation: 401 Herbert Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/21/2022

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 (h) Abutting property owner maintenance of parkages.

Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

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

C. ORDER IMPOSING FINE/LIEN

16. **CEB Case No.:** 22-0817

Respondent: Stephen Stewart

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

Code Officer: Dena Joseph

First Notified: 6/23/2022

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, (h) Abutting property owner maintenance of parkages.

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

17. **CEB Case No.:** 22-0745

Respondent: Allen E. Davis III Estate

Carol Frances Davis

Address of Violation: 4041 S. Waterbridge Circle, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 6/10/2022

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

18. **CEB Case No.:** 22-945

Respondent: Donna J. Fretwell

Carolyn Grindel

Margaret Firestine

Darlene Ross

Annette Speicher

Address of Violation: 1129 E. Willow Run Drive, Port Orange, FL 32129

Code Officer: Bailey Hornbuckle

First Notified: 7/15/2022

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

19. **CEB Case No.:** 22-0727

Respondent: Amy Lynn Donnelly

Frank J. Kovacs

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

Code Officer: Robert Kuhn

First Notified: 6/8/2022

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.

20. **CEB Case No.:** 22-0581

Respondent: Allan R. Thompson

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

Code Officer: Robert Kuhn

First Notified: 5/16/2022

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42 Nuisances, Article V UnsafeConditions, Section 108 Unsafe Conditions; Nuisance (a) (1) (2) (4) (b)

Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.1 Unsafe conditions.

Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.1.3 Structure unfit for human occupancy.

Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.1.5 Dangerous structure or premises (1) (3) (5) (6) (7) (8) (9) (10).

Chapter 3 General Requirements, Section 302 Exterior Property Areas of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 302.1 Sanitation. Exterior property and premises shall be maintained in a clean, safe and sanitary condition.

Chapter 3 General Requirements, Section 302 Exterior Property Areas of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 302.5 Rodent Harborage.

Chapter 3 General Requirements, Section 302 Exterior Property Areas of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 302.7 Accessory Structures.

Chapter 3 General Requirements, Section 304 Exterior Structures of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 304.1.1 Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: (8)

Chapter 3 General Requirements, Section 304 Exterior Structures of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 304.6 Exterior walls.

Chapter 3 General Requirements, Section 304 Exterior Structures of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 304.13 Window, skylight and door frames.

Chapter 3 General Requirements, Section 309 Pest Elimination of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 309.1 Infestation.

Chapter 6 Mechanical and Electrical Requirements, Section 604 Electrical Facilities of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 604.3 Electrical system Hazards.

Chapter 6 Mechanical and Electrical Requirements, Section 605 Electrical Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 605.1 Installation.

Chapter 6 Mechanical and Electrical Requirements, Section 605 Electrical Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 605.4 Wiring.

Chapter 7 Fire Safety Requirements, Section 702 Means of Egress of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 702.1 General.

City of Port Orange Land Development Code Chapter 8 Building and Fire Codes, Article 1 Reference Codes, Section 2 Fire Codes; Fire Codes indicated below:

Travel to exit doors, free of obstructions: equal to door width. NFPA 1 Chapter 14

Electrical circuits /outlets shall not be overloaded. NFPA 1 Chapter 11

Extension cords shall not be used as a substitute for permanent wiring. NFPA 1 Chapter 11

Electrical cords shall not be through wall/ceilings/under floorcoverings. NFPA70, NFPA1 Chapter 11

Electrical cords, plugs, coverings and insulation shall be intact with no splices. NFPA 70, NFPA 1 Chapter 11

All products properly stored; storage shall be neat, compact and orderly.

NFPA101Chapter 4

Combustiblematerialshallbekepta minimumof2 feetfromheatsource.NFPA101Chapter 8

Storageshallbe18inchesbelowsprinkler heads and/ or below ceiling.

NFPA13orNFPA1 Chapter10

Fire Extinguishers required. NFPA1 Chapter13andNFPA10

Exit signs and emergency lighting required.NFPA1 Chapter14

Detection systems (smoke detectors) required. NFPA1 Chapter13

The City has acted and/or has authority to act under the following emergency measures and any interference with the City is a violation:

Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.2.1 Authority to disconnect service utilities.

Chapter 1 Scope and Administration, Section 112 Emergency Measures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 112.1 Imminent Danger.

Chapter 1 Scope and Administration, Section 112 Emergency Measures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 112.2 Temporary Safeguards.

Chapter 1 Scope and Administration, Section 112 Emergency Measures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 112.4 Emergency Repairs.

D. ADJOURNMENT

NOTICES — PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.



FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE.



HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, 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, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.