

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
DECEMBER 13, 2023

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David Fuller at 9:00 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Dennis Boehmer, Code Enforcement Officer
Amanda Bonin, Code Enforcement Manager

Oaths

Code Enforcement Officer Dennis Boehmer was sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller dispensed with the overview of the code enforcement process as there were no members of the public present.

2. Consideration of Minutes - November 8, 2023

Special Magistrate Fuller approved the November 8, 2023 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 23-0661

Respondent: Susan J. Martin

Address of Violation: 5249 Pineland Avenue, Port Orange FL 32127

Code Officer: Dennis A. Boehmer

First Notified: 6/26/2023

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. 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.

Dennis A. Boehmer, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by November 4, 2023 by 1.) either removing the fence that was installed without a permit or get a permit for said fence. 2.) Mowing and weed-eating the entire property, removing all tree debris and undergrowth, and blowing all debris back onto the property. 3.) Properly storing all outside stored items (including the tarps that are being used as curtains to hide items being stored on the front patio) inside an enclosed building or removing from the property.

Mr. Boehmer explained that this case has been going on since June. The property owner told Mr. Boehmer that she just moved in the neighborhood and didn't feel safe, so she wanted a fence, to which Mr. Boehmer advised her she needed to obtain a permit. The property owner was dealing with upper respiratory issues and Mr. Boehmer was willing to work with her but she has yet to obtain the permit.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by December 26, 2023 by 1.) either removing the fence that was installed without a permit or get a permit for said fence. 2.) Mowing and weed-eating the entire property, removing all tree debris and undergrowth, and blowing all debris back onto the property. 3.) Properly storing all outside stored items (including the tarps that are being used as curtains to hide items being stored on the front patio) inside an enclosed building or removing from the property. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of 100.00 per day shall be imposed for each day the violation continues past December 27, 2023. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Boehmer requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$47.57 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until December 26, 2023 to 1.) either remove the fence that was installed without a permit or get a permit for said fence. 2.) mow and weed-eat the entire property, remove all tree debris and undergrowth, and blow all debris back onto the property or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$47.57 were awarded to the City.

4. **CEB Case No.:** 23-1127
Respondent: Joseph F. Vallario III
Angela Vallario

Mary E. Vallario-Pesetsky
Anna M. Vallario
Christina Vallario
Lisa B. Vallario

Address of Violation: 204 Avon Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/3/2023

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), (e) Maintenance of unimproved residential lots) and (h) Abutting property owner maintenance of parkages, of the City of Port Orange Code of Ordinances.

Amanda Bonin, Code Enforcement Manager, requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

5. **CEB Case No.:** 23-1228

Respondent: ARVM5 LLC

Address of Violation: 239 Brittany Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/19/2023

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.

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

6. **CEB Case No.:** 22-1438

Respondent: Frederick A. Ingerson

Address of Violation: 6208 Yellowstone Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/1/2022

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.

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

7. **CEB Case No.:** 23-229

Respondent: Peggy A. Brandt

Address of Violation: 6114 Palmas Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 2/16/2023

Compliance: No

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

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

8. **CEB Case No.:** 23-0912

Respondent: Mario Longo

Rose Longo

Address of Violation: 6105 Jasmine Vine Drive, Port Orange, FL 32128

Code Officer: Dena Joseph

First Notified: 8/23/2023

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.
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.

Ms. Bonin requested a continuation of the case until January 24, 2024. Special Magistrate Fuller granted the continuation request.

ORDER IMPOSING FINE/LIEN

9. **CEB Case No.:** 23-0976

Respondent: Robert A. Costa

Address of Violation: 719 Hawks Ridge Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 9/5/2023

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.

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

10. **CEB Case No.:** 23-0626

Respondent: Geraldine Jones Life Estate

Address of Violation: 1237 Edna Drive, Port Orange, FL 32129

Code Officer: Bailey Hornbuckle

First Notified: 6/8/2023

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), (h) (Abutting property owner maintenance of parkages) and (f) Garbage, waste, trash, etc. 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.

Ms. Bonin requested a continuation of the case until January 24, 2024. Special Magistrate Fuller granted the continuation request.

ADJOURNMENT – 9:12 a.m.



Special Magistrate David Fuller