



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, May 11, 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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-0450

Respondent: Don Clark

Address of Violation: 5388 Nova Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 04/06/2016

Compliance: No

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.

Chapter 10 (Clearing, Grading and Stormwater Management), Article I (Clearing and Grading), Section 2 (Permit Requirements for Change of Grade) of the City of Port Orange Land Development Code: It is hereby unlawful for any person to change or modify the grade of any land without obtaining a change of grade permit in accordance with the provisions of this chapter.

4. **CEB Case No.:** 16-465

Respondent: Justin Kirby

Address of Violation: 6026 Wesley Park Drive, Port Orange, FL 32128

Code Officer: Scott Allman

First Notified: 04/01/2016

Compliance: No

Cited for violation(s) - Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-34 (Location of Containers) of the City of Port Orange Code of Ordinances.

C. ORDER IMPOSING FINE/LIEN

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 RELAY OPERATOR AT 1-800-955-8771.

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
APRIL 27, 2016

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:09 a.m.

PRESENT: Raymond Branch, Special Magistrate

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

Consideration of Minutes

Special Magistrate Branch approved the April 13, 2016 meeting minutes as presented.

Oaths

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

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-0160 (Continued from 3/23/16)
Respondent: Billy Gordon
Address of Violation: 890 Chipmunk Trail, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 02/04/2016

Compliance: Yes

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;

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;

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 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;

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;

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;

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;

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;

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;

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;

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;

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; and

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.

Ms. Joseph requested a dismissal of this case due to compliance. Special Magistrate Branch granted the dismissal.

4. **CEB Case No.:** 16-0328

Respondent: NOMADIJOM LLC

Address of Violation: 47 Springwood Square, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 03/16/2016

Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-36 (Stopping, Standing or Parking Prohibited in Specified Places), (a), (1), (k), (1), (2) & (3):

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(1) Stop, stand or park a motor vehicle or trailer:

(k) On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials:

(1) Concrete or paved materials;

(2) Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or

(3) Concrete paver strips, paver blocks, or other semi-pervious materials.

Ms. Joseph requested a dismissal of this case due to compliance. Special Magistrate Branch granted the dismissal.

5. **CEB Case No.:** 15-1481

Respondent: Judith Anderson

Address of Violation: 156 Sand Pebble Circle, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 03/14/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally – duty of owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances;

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally – duty of owner), (f) Garbage, Waste, Trash, etc. Prohibited of the City of Port Orange Code of Ordinances;

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;

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;

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures), 108.6 (Abatement methods) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances;

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;

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;

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;

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

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:

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;

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;

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;

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;

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; and

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.

Ms. Joseph was sworn in by Special Magistrate Branch and testified as to the condition of the property and the notices provided. There was a fire at the home on November 15, 2014. The first inspection was performed after complaints from neighbors on August 24, 2015. Ms. Joseph presented photos of the violations as stated above, as well as a copy of the certified mailing green card showing receipt and a copy of the Daytona Beach News Journal's proof of publication showing the notice of the violations and requested they be submitted into evidence. Ms. Joseph requested a dismissal of Chapter 1, Section 109.1; Chapter 3, Section 304.1.1; Chapter 3, Section 304.7; Chapter 3, 305.15; Chapter 3, Section 305.1; Chapter 6, Section 604.1; and Chapter 6, Section 605.1 of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. Special Magistrate Branch granted the request for dismissal of the specific Chapters and Sections listed above.

Kerry Leuzinger, Building Official, was sworn in by Special Magistrate Branch and testified as to his determination that the building is unsafe based on the photographs submitted into evidence. Mr. Leuzinger designated Ms. Joseph to inspect the property to determine it is an unsafe structure.

Special Magistrate Branch believes the Notice of Violation and Notice of Hearings should include language that failure to comply will result in submittal to the Special Magistrate for repair or demolish.

Mr. Ciocchetti believes the Notice is sufficient but understands the Special Magistrate's request for stronger language regarding demolition.

Special Magistrate Branch ruled that there is sufficient evidence of proper notice and evidence as to the violations including those not previously dismissed; and offers no finding for Chapter 1, Section 108.6.

Ms. Joseph recommended correction of the violations on or before May 27, 2016 and asked the Special Magistrate to determine the structure unsafe and allow not less than 30 days for corrective action or allow the City to abate via demolition of the unsafe structure.

Special Magistrate Branch granted 30 days of the date of this Order to secure and repair or apply for a permit to demolish the structure. He asked to have a copy of the Finding of Fact/Conclusion of Law & Order mailed to the mortgage holder. If no permit or repairs are completed within 30 days and after an affidavit is submitted to the Special Magistrate, the City can abate the violations up to and include demolition with the costs being assessed as a lien against the property.

It was recommended by Ms. Joseph that costs in the amount of \$707.68 be awarded to the City. Special Magistrate Branch granted same based on the Cost Sheet submitted into evidence.

6. **CEB Case No.:** 16-0241

Respondent: Cheryl Geno

Address of Violation: 1421 Chamale Lane, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 03/25/2016

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: 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 (Cleanliness of property generally-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 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 16 (Miscellaneous Regulations), Section 3 (Fences and walls), (b) General Provisions, (4) Design and Maintenance, (b), (d) & (f) of the City of Port Orange Land Development Code:

(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.

(f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

Ms. Joseph was sworn in by Special Magistrate Branch and testified as to the condition of the property and the notices provided. She presented photographs and requested they be submitted into evidence, which was granted by Special Magistrate Branch.

Ms. Joseph recommended the Special Magistrate find the property owner in violation of the codes listed above and require compliance on or before May 9, 2016 by mowing the entire property, trimming trees and shrubs, and repair or remove the fence or a fine in the amount of \$250.00 per day will be imposed plus costs in the amount of \$33.46 as indicated on the cost sheet submitted into evidence.

Special Magistrate Branch finds there has been sufficient evidence to prove the violations exist and granted the recommendation as presented.

7. **CEB Case No.:** 16-178

Respondent: Gregory & Debra Michelizzi

Address of Violation: 5206 Wood Street, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 03/18/2016

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 Cleanliness of property generally-Duty of owner(d) maintenance of improved residential lots (f) garbage, waste, trash, etc., prohibited; (h) abutting property owner maintenance of parkages.

Mr. Allman requested a dismissal of this case due to compliance. Special Magistrate Branch granted the dismissal.

8. **CEB Case No.:** 16-201

Respondent: Heung Lan Tuen

Address of Violation: 264 Poinciana Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 03/18/2016

Compliance: Yes

Cited for violation(s) - The City of Port Orange Land Development Code, Chapter 16 Miscellaneous Regulations, Section 1 Accessory uses and structures (b)(4). No accessory structure or use shall be permitted on any lot which does not have an established principal use conforming to the requirement of this code. No accessory structure shall be permitted on any lot which does not have a permitted principal structure.

Florida Building Code 5th Edition (2014), Section 105 Permits (a) 105.1 Required. Any owner or authorized agent who intends to construct...or to cause any such work to be done, shall first make application to the building office and obtain the required official and obtain the required permit as adopted by the City of Port Orange Land Development Code.

Mr. Allman requested a dismissal of this case due to compliance. Special Magistrate Branch granted the dismissal.

9. **CEB Case No.:** 16-195

Respondent: Robert Blohm

Address of Violation: 5201 Wood Street, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 03/18/2016

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 Cleanliness of property generally-Duty of owner(d) maintenance of improved residential lots (f) garbage, waste, trash, etc., prohibited (h) abutting property owner maintenance of parkages.

Mr. Allman requested a dismissal of this case due to compliance. Special Magistrate Branch granted the dismissal.

10. **CEB Case No.:** 16-65

Respondent: Frank Joel Murphy a/k/a Frank J. Murphy, Unknown Heirs of Kimberly E. Murphy a/k/a Kimberly Elaine Murphy, Deceased, Bank of America, N.A., Christina Elaine Murphy, Catherine Elizabeth Murphy, a minor in care of her father and natural guardian, Frank Joel Murphy

Address of Violation: 5836 Westport Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/21/2016

Compliance: No

Cited for violation(s) - Chapter 5, Plumbing Facilities and Fixture Requirements Section 505, Water System of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 505.1 General.

Mr. Allman requested a dismissal as the property has been sold to the mortgage holder at a foreclosure sale. Special Magistrate Branch granted the dismissal.

11. **CEB Case No.:** 16-276

Respondent: Vicki L. Bassett

Address of Violation: 909 Tree Garden Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/11/2016

Compliance: No

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

Mr. Allman was sworn in and testified as to the condition of the property and the notices provided to the property owners. Robin Fenwick, City Clerk, was sworn in by Special Magistrate Branch and testified that the Notice was posted at City Hall on March 14, 2016. He presented photographs and requested that they be submitted into evidence, which was granted by Special Magistrate Branch. Mr. Allman submitted a list of cases against this property owner from the City's Naviline System.

He recommended the property owner be found in violation of the codes listed above with a compliance date on or before May 9, 2016 or a fine of \$100.00 be imposed for each day the violation continues past May 9, 2016, with costs in the amount of \$33.46 being awarded to the City based on the Cost Sheet as presented into evidence.

Special Magistrate Branch found sufficient evidence was presented and granted the recommendation as presented.

ORDER IMPOSING FINE/LIEN – There were none.

PUBLIC COMMENTS – There were none.

ADJOURNMENT - 11:25 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 16-0450

Name	Activity	Activity_Date	Status	Cost
Don Clark	Mailing Notice of Violation/Notice of Hearing to 5388 Nova Road, Port Orange, FL 32127 (certified & regular)	04/08/2016	Nothing returned as of 5/6/16	\$7.65
Clerk of Court	Recording fee - Finding of Fact/Conclusion of Law & Order	05/11/2016		\$27.00
Don Clark	Mailing Finding of Fact/Conclusion of Law & Order (certified & regular)	05/11/2016		\$7.65

Total: 42.30



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-0450

To: Don Clark
Property Owner
5388 Nova Road
Port Orange, FL 32127

Re: 5388 NOVA ROAD
PORT ORANGE, FL 32127
Parcel ID: 6340-03-13-0030

LEGAL DESCRIPTION: S 15 FT LOT 2 & ALL LOT 3 MB M BAYWOOD REPLAT MB 23 PGS 44 & 45 PER OR 4481 PG 2016 PER OR 5769 PG 1710

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **March 30, 2016** 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.

Chapter 10 (Clearing, Grading and Stormwater Management), Article I (Clearing and Grading), Section 2 (Permit Requirements for Change of Grade) of the City of Port Orange Land Development Code: It is hereby unlawful for any person to change or modify the grade of any land without obtaining a change of grade permit in accordance with the provisions of this chapter.

Initial inspection conducted on March 30, 2016. During inspection, I noticed that 4 truck loads of dirt have been brought in and are in the front yard of the home. I left a 5 day door hanger informing the resident that no dirt can be brought in without first obtaining a change of grade permit. A re-inspection was conducted on April 5, 2016 to make sure that they dirt had not been spread and while on site, I noticed that 3 more piles have been brought in. As of this date, no permits have been applied for. This case is to be considered a safety violation due to the possibility of flooding to occur in the area with the addition of all the dirt that has been brought onto the property.

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 April 17, 2016 by applying for a change of grade 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 May 11, 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-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 May 11, 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 June 22, 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 6th day of April, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Don Clark, Property Owner, 5388 Nova Road, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1:10 PM

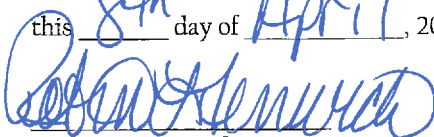
this 6th day of April, 2016.

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Don Clark, Property Owner, 5388 Nova Road, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 8th day of April, 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., C.F.A.



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Parcel Information: 6340-03-13-0030 **2016 Working Tax Roll** Last Updated: 04-03-2016

Owner Name and Address

Alternate Key	5428672	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6340-03-13-0030	Mill Group	402 Port Orange
Full Parcel ID	40-16-33-03-13-0030	2015 Final Mill Rate	20.86510
Created Date	07 JAN 1994		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	CLARK JOHN		
Owner Name/Address 1			
Owner Address 2	5388 S NOVA RD		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	5388 NOVA RD PORT ORANGE 32127		

Legal Description
S 15 FT LOT 2 & ALL LOT 3 MB M BAYWOOD REPLAT MB 23 PGS 44 & 45 PER OR 4481 PG 2016 PER OR 5769 PG 1710

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5769 1710	02/2006	Warranty Deed	Qualified Sale	Yes	245,000
4481 2016	09/1999	Warranty Deed	Qualified Sale	Yes	115,000
3849 3999	08/1993	Warranty Deed	Multi parcel sale	No	45,000

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	17,309	109,459	0	126,768	126,768	126,553	0	126,768	0	126,553
2014	16,616	98,432	0	115,048	115,048	115,048	0	115,048	0	115,048

[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	150.0	75.00	FRONT FEET	250.01	103	80	100	100	15,386
Neighborhood 5769 HARBOR OAKS UNIT 2 (6340-01)											
Total Land Classified											0
Total Land Just											15,386

Building Characteristics
Building Number: 171733 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
171733	Single Family	192	1997	300		10%	5%	20%	2999
Roof Type	HIP	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)	C B STUCCO	1.0	1997	N	0%	0%	1710 Sq. Feet
002	Patio (PTO)	Non-Applicable	1.0	1997	N	0%	0%	192 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	1997	N	0%	0%	462 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1997	N	0%	0%	42 Sq. Feet

DAYTONA BEACH, Florida 32118
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
6340-03-13-0030
Grantee(s) S.S.#(s):
File No: **SB069861**

WARRANTY DEED

This Warranty Deed Made the 15th day of February, 2006, by **PETER FOCHI and HELEN FOCHI, HUSBAND AND WIFE**, hereinafter called the grantor, whose post office address is: **355 GOLDENROD LANE, LEXINGTON, North Carolina 27295**

to **JOHN CLARK**, whose post office address is: **5388 SOUTH NOVA ROAD, PORT ORANGE, Florida 32127**, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars 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:

THE SOUTHERLY 15 FEET OF LOT 2 AND ALL OF LOT 3, BLOCK M, BAYWOOD REPLAT, AS PER MAP OR PLAT RECORDED IN MAP BOOK 23, PAGES 44 AND 45, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

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 2005, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Signature: *[Signature]*

Printed Name: PAT BROWNING

[Signature]
PETER FOCHI

Witness Signature: *[Signature]*

Printed Name: HELEN FOCHI

Witness Signature: *[Signature]*

Printed Name: ANDREA M. BOSWELL

Witness Signature: _____

Printed Name: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 15th day of February, 2006, by **PETER FOCHI and HELEN FOCHI**, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires: _____

[Signature]
ANDREA M. BOSWELL
Notary Public
Serial Number _____

SM
SOUTHERN TITLE

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. When alternate life safety systems are designed, the *SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

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.

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.

104.11.3 Accessibility. Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11-2.2.

104.12 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other

technical codes, shall be determined by the building official.

SECTION 105 PERMITS

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 required 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.

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 system(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. A annual facility permit shall be assessed 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.

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. As per §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.

105.2 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:

ARTICLE I: CLEARING AND GRADING

Section 1: Purpose and intent.

The purpose of this article is to provide specific criteria for allowable clearing and grading in order [to] prevent flooding and to avoid drainage impacts on adjoining properties. Specific review criteria for evaluation of drainage modifications are located in article II of this chapter.

Section 2: Permit requirements for change of grade.

It is hereby unlawful for any person to change or modify the grade of any land without obtaining a change of grade permit in accordance with the provisions of this chapter. The following procedure shall apply for unsubdivided property or subdivided lots with no approved development or building plan. However, the provisions of article II of this chapter shall supersede the following for those activities requiring a stormwater management permit as reflected in article II of this chapter.

- (a) *Application procedure.* Application shall be made to the community development department on an appropriate form provided by the city. Application submittal shall include the necessary drawings of documents to show the following:
 - (1) All existing trees eight inches or over DBH; other vegetation depicted by canopy area or spread with average density, height, and trunk dimensions; the trees and vegetation to be removed shall be clearly noted and all specimen trees proposed for removal shall be individually noted.
 - (2) The existing and proposed grades, in one-foot contours, of the property of the applicant and that of all abutting property owners. The nature of the proposed changes of grade and justification for such changes shall be noted.
 - (3) The name, address and telephone number of the applicant to which all notices and communications relating to such application may thereafter be sent, as well as a brief statement describing the need for, and intent of, the proposed work.
- (b) *Standards of review.* The application shall be reviewed on the following criteria:
 - (1) The extent to which the actual or intended use of the property requires changes of grade.
 - (2) The desirability of preserving any tree by reason of its size, age, or some other outstanding quality, such as uniqueness, rarity or status as an historic or specimen tree.
 - (3) The extent to which the area would be subject to increased water runoff and other environmental degradation due to removal of the trees and changes of grade.
 - (4) The heightened desirability of preserving or enhancing tree cover in densely developed populated areas.
 - (5) The need for visual screening in transitional areas, or relief from glare, blight, commercial or industrial unsightliness or any other affront to the visual or aesthetic sense in the area.

Case Cost Sheet Log

Case No. 16-465

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/11/2016		\$27.00
Justin Kirby	Mailing Finding of Fact/Conclusion of Law & Order (certified & regular)	05/11/2016		\$7.65

Total: 34.65



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-465

To: Justin Kirby
6026 Wesley Park Dr
Port Orange, FL 32128

Re: 6026 Wesley Park Dr
Port Orange, FL 32128
Parcel ID: 6329-05-00-0150

LEGAL DESCRIPTION: LOT 15 PINNACLE PHASE I MB 51 PGS 40-44 INC PER OR 5383 PGS 0366-0367 INC PER
OR 5803 PG 0293

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 31, 2016 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-34 (Location of Containers) of the City of Port Orange Code of Ordinances.

An inspection of the property was conducted on March 31, 2016. At the time of inspection, I observed a trash can being stored on the street. The inspection was conducted on a Thursday and the garbage pickup days for this area are on Tuesday and Friday. To correct the violation, all garbage cans, recycling bins etc; must be properly stored and not left at the curb on non-garbage days.

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 **April 11, 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 May 11, 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 \$ 0 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 **May 11, 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 **June 22, 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 1st day of April, 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 Justin Kirby, 6026 Wesley Park Dr, Port Orange, FL 32128, was

☒ Hand-delivered

Recipient of hand delivered documents: Kathy Arnold

☐ Posted at the property

this 1st day of April, 2016.

Time: approx. 11:00 AM

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 Justin Kirby, 6026 Wesley Park Dr, Port Orange, FL 32128, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 4th day of April, 2016.

Robert H. Senurich
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



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Parcel Information: 6329-05-00-0150 2016 Working Tax Roll Last Updated: 03-27-2016

Owner Name and Address

Alternate Key	6367078	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6329-05-00-0150	Mill Group	602 Port Orange
Full Parcel ID	29-16-33-05-00-0150	2015 Final Mill Rate	22.54410
Created Date	23 SEP 2004		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	KIRBY JUSTIN		
Owner Name/Address 1			
Owner Address 2	6026 WESLEY PARK DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32128		
Situs Address	6026 WESLEY PARK DR PORT ORANGE 32128		

Legal Description

LOT 15 PINNACLE PHASE I MB 51 PGS 40-44 INC PER OR 5383 PGS 0366-0367 INC PER OR 5803 PG 0293

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5803 0293	03/2006	Warranty Deed	Qualified Sale	Yes	263,280
5383 0366	08/2004	Warranty Deed	Multi parcel sale	No	2,430,000

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	29,000	150,935	0	179,935	146,302	146,302	25,000	121,302	25,000	96,302
2014	29,000	145,266	0	174,266	145,141	145,141	25,000	120,141	25,000	95,141

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	56.0	132.0	1.00	LOT	33750.00	100	100	100	100	33,750
Neighborhood 4982 PINNACLE PH 1 MB 51 PG 40-44											
Total Land Classified											0
Total Land Just											33,750

Building Characteristics

Building Number: 207045 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
207045	Single Family	198	2006	350		4%	0%	0%	2999
Roof Type	HIP	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		1
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	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)		C B STUCCO	1.0	2006	N	0%	0%	1538 Sq. Feet
002 Porch, Open Finished (FOP)		Non-Applicable	1.0	2006	N	0%	0%	132 Sq. Feet
003 Finished Garage (FGR)		Non-Applicable	1.0	2006	N	0%	0%	424 Sq. Feet
004 Porch, Open Finished (FOP)		Non-Applicable	1.0	2006	N	0%	0%	40 Sq. Feet

Return to: Christine Clayton
Name: SOUTHERN ALLIANCE TITLE, LLC.
Address: 801 BEVILLE ROAD, SUITE 201C
SOUTH DAYTONA, Florida 32119

04/07/2006 10:03 AM
Doc stamps 1843.10
(Transfer Amt \$ 263280)
Instrument# 2006-086865 # 1
Book : 5803
Page : 293
Diane M. Matousek
Volusia County, Clerk of Court

This Instrument Prepared by:
Christine Clayton
SOUTHERN ALLIANCE TITLE, LLC.
801 BEVILLE ROAD, SUITE 201C
SOUTH DAYTONA, Florida 32119

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
6329-05-00-0150
Grantee(s) I.D. #(s):
File No: PH051224

WARRANTY DEED
(CORPORATION)

This Warranty Deed Made the 29th day of March, 2006, by PAYTAS HOMES, INC., a corporation existing under the laws of FLORIDA, and having its place of business at P.O. BOX 290490, PORT ORANGE, FL 32127, hereinafter called the grantor,

to JUSTIN KIRBY, AN UNMARRIED MAN, whose post office address is: 6026 WESLEY PARK DRIVE, PORT ORANGE, Florida 32128, hereinafter called the grantee,

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

LOT 15, PINNACLE PHASE I, ACCORDING TO PLAT THEREOF AS RECORDED IN MAP BOOK 51, PAGES 40 THROUGH 44, INCLUSIVE, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

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.

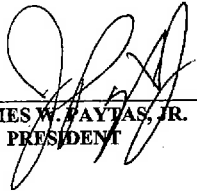
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to 2006, reservations, restrictions and easements of record, if any.
(Wherever used herein the terms "grantor" and "grantee" included all the parties to this instrument, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation.)

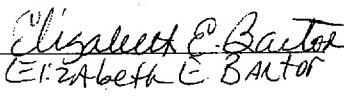
In Witness Whereof, the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Signature: 
Printed Name: Christine M. Clayton

PAYTAS HOMES, INC.
A FLORIDA CORPORATION

BY: 

Witness Signature: 
Printed Name: Elizabeth E. Bactor

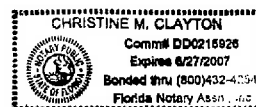
JAMES W. PAYTAS, JR.
ITS: PRESIDENT

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 29th day of March, 2006, by JAMES W. PAYTAS, JR. as PRESIDENT of PAYTAS HOMES, INC., A FLORIDA CORPORATION, on behalf of the corporation. He/she is personally known to me or who has produced driver license(s) as identification.

My Commission Expires:


Printed Name: CHRISTINE M. CLAYTON
Notary Public
Serial Number



Sec. 56-34. - Location of containers.

Garbage, recycling and yard waste containers when not in use shall be kept away from the front of any building or premises. No garbage, recycling or yard waste container shall be kept or maintained upon or adjacent to any street, sidewalk, parkway or front yard and no such container shall be placed within five feet of any property line. No garbage can, recycling container or yard waste container shall be deposited upon any adjoining lot or premises, whether vacant or improved, occupied or unoccupied, or in any street, alley or park in the city. Yard waste not required to be in yard waste containers, and garbage, recycling and yard waste containers filled for pickup, shall be neatly placed near, but not upon, the roadway on days of garbage, recycling and yard waste pickup so as to be convenient and accessible for collection.

(Code 1981, § 10-28; Ord. No. 1992-5, § 10, 2-25-92)