



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, July 24, 2024

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 - July 10, 2024

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-529

Respondent: HPA III Acquisitions 1 LLC - Property Owner
Corporation Service Company - Registered Agent

Address of Violation: 528 Hamlet Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 5/3/2024

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 (Nuisance Trees), Sec. 42-103.
- Declaration of nuisance: (a)(2)

City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 (Nuisance Trees), Sec. 42-104. - Nuisance abatement requirements

4. **CEB Case No.:** 24-663

Respondent: Urbancik Properties NY LLC - Property Owner
Steven Barnes - Registered Agent

Address of Violation: 594 Touchstone Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 6/20/2024

Compliance: Yes

Cited for violation(s) - 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.

5. **CEB Case No.:** 22-64

Respondent: Sonyia Carol Hill

Address of Violation: 908 Third Street, Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 1/13/2022

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.2 (Protective Treatment), of the 2024 International Property Maintenance Code as adopted per the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14
Chapter 3, Section 304 (Exterior Structure), 304.6 (Exterior Walls), of the 2024 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), 304.8 (Decorative Features), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

C. 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.

Code Enforcement Special Magistrate Meeting

Wednesday, July 24, 2024

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CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JULY 10, 2024

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: Scott Allman, Code Enforcement Officer
Amanda Bonin, Code Enforcement Manager
Tracee Cody, Deputy City Clerk

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 - June 12, 2024

Special Magistrate Fuller approved the June 12, 2024 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-652

Respondent: Austin Evan Watts

Address of Violation: 5348 Landis Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 5/31/2024

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), (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.3 (Sidewalks and Driveways), of the 2024 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

Scott Allman, Code Enforcement Officer, requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

4. **CEB Case No.:** 24-598

Respondent: JMCG S. Nova Road, LLC - Property Owner
Corporation Service Company - Registered Agent

Address of Violation: 5231 Nova Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 5/21/2024

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, and (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances.

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

ORDER IMPOSING FINE/LIEN

5. **CEB Case No.:** 24-0035

Respondent: Ronald E. Klenk

Address of Violation: 5727 Stewart Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/12/2024

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

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 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (d) Size Limitations, of the City of Port Orange Land Development Code: Any residential accessory structure in a residential zoning district shall be required to comply with the following conditions: (4) and (5)

City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article III (Sanitary

Code Enforcement Special Magistrate Meeting

July 10, 2024

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Conditions), Sec. 42-59 (Location of vehicles used for human occupancy)

Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (c), (1), (2), (3), (4), (5), (h) and (d), (1), (2), (3), of the Port Orange Code of Ordinances.

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) of the City of Port Orange Code of Ordinances

Chapter 3 (General Requirements), Section 309 (Pest Elimination), 309.1 (Infestation), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

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

ADJOURNMENT – 9:01 a.m.

Special Magistrate David Fuller

Case Cost Sheet Log**Case No. 24-529**

Name	Activity	Activity_Date	Status	Cost
HPA III Acquisitions 1 LLC - Property Owner - Chicago, IL	Cost to mail Notice of Violation and Notice of Hearings	06/18/2024		\$9.33
HPA III Acquisitions 1 LLC - Property Owner - Port Orange, FL	Cost to mail Notice of Violation and Notice of Hearings	06/18/2024	Certified mail returned Vacant/Unable to Forward	\$9.33
Corporation Service Company - Registered Agent	Cost to mail Notice of Violation and Notice of Hearings	06/18/2024	Certified receipt signed by Dennis Ratliff	\$9.33
Clerk of Court	Cost to record Finding of Fact	07/24/2024		\$29.25
HPA III Acquisitions 1 LLC - Property Owner - Chicago, IL	Cost to mail Finding of Fact	07/24/2024		\$9.33
HPA III Acquisitions 1 LLC - Property Owner - Port Orange, FL	Cost to mail Finding of Fact	07/24/2024		\$9.33
Corporation Service Company - Registered Agent	Cost to mail Finding of Fact	07/25/2024		\$9.33

Total: \$85.23



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-529

To: HPA III Acquisitions 1 LLC
Property Owner
120 S Riverside PLZ, STE 2000
Chicago, IL 60606

Corporation Service Company
Registered Agent
1201 Hays Street
Tallahassee, FL 32301-2525

Re: 528 Hamlet Drive
Port Orange, FL 32127
Parcel ID: 6321-03-00-0080

LEGAL DESCRIPTION: LOT 8 HAMLET SUB MB 34 PG 143 PER OR 4751 PGS 1771-1772 PER OR 7102 PG 0630 PER
UNREC D/C PER OR 8047 PG 0496 PER OR 8241 PG 4756
Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 3, 2024, indicates that certain violation(s) of the City of Port Orange Code exists.

A re-inspection was done on June 3, 2024, resulting in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by July 12, 2024**, by doing the following: The nuisance tree on the front left portion of the front yard needs to be removed. If there are any questions as to which tree needs to be removed, please contact the code enforcement officer for this case.

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 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 above specified time for correction given by the undersigned Code Enforcement Officer J. Scott Allman, 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 Enforcement Officer to determine whether the property is in compliance. Briefly stated, the property is in violation of the following:

- 1. City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 (Nuisance Trees), Sec. 42-103. - Declaration of nuisance:** It is declared and determined by the city council that the following shall each individually or in any combination be considered a nuisance when they exist upon any lot, lots or adjacent lots, within the City of Port Orange. **(a)** A nuisance tree shall be subject to immediate removal when determined to be a public hazard in the opinion of the code enforcement official of the City of Port Orange consistent with the following standards: **(2)** Sand pine (*Pinus clausa*) leaning 45 degrees or more from vertical and

other types of trees having special conditions, disease or damage constituting them a nuisance tree in the opinion of the professions forester, botanist or landscape architect.

- The initial inspection of this property found a diseased tree on the front left corner of the front yard. The City Arborist has confirmed that the tree meets the requirements of a nuisance tree and is a risk to the health and safety of the public and the public right of way.

2. **City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 (Nuisance Trees), Sec. 42-104. - Nuisance abatement requirements:** It is determined by the city council that any nuisance declared by this article that is found upon any lot, lots or adjacent lots, shall be abated by the property owner in the following manner: If the nuisance consists of a nuisance tree or nuisance trees, the property owner shall abate the nuisance in its entirety by complete removal of the tree or trees and appropriate disposal of debris within the public property or public easement.

- The initial inspection of this property found a diseased tree on the front left corner of the front yard. The City Arborist has confirmed that the tree meets the requirements of a nuisance tree and is a risk to the health and safety of the public and the public right of way.

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 July 24, 2024 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 above 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 Officer. 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 \$ 27.99 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 **July 24, 2024** enters a Final Order finding a violation as alleged, pursuant to Chapter 2, 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 **Special Magistrate on August 28, 2024 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 consider setting the fine lien on the above-referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.

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

DATED this 13 day of JUNE, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: J. Scott Allman
J. Scott Allman, 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: HPA III Acquisitions 1 LLC, Property Owner, 120 S Riverside PLZ, STE 2000, Chicago, IL 60606, RE: 528 Hamlet Drive Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property 6.13.24 (date)
☒ Posted at City Hall 6.13.24 (date)

J. Scott Allman
J. Scott Allman, 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: HPA III Acquisitions 1 LLC, Property Owner, 120 S Riverside PLZ, STE 2000, Chicago, IL 60606, RE: 528 Hamlet Drive Port Orange, FL 32127, was sent via certified and regular mail this 18 day of JUNE, 2024

Scody
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: HPA III Acquisitions 1 LLC, Property Owner, 528 Hamlet Drive, Port Orange, FL 32127, RE: 528 Hamlet Drive, Port Orange, FL 32127, was sent via certified and regular mail this 18 day of JUNE, 2024

Scody
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Corporation Service Company, Registered Agent, 1201 Hays Street, Tallahassee, FL 32301-2525, Re: 528 Hamlet Drive Port Orange, FL 32127, was sent via certified and regular mail this 18 day of JUNE, 2024

Scody
Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, ANY DECISION BY THE SPECIAL MAGISTRATE MAY BE APPEALED TO THE CIRCUIT COURT AND MUST BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

RECORD OF PROCEEDINGS

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

ACCOMMODATIONS

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

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.

Case Cost Sheet Log

Case No. 24-663

Name	Activity	Activity_Date	Status	Cost
Urbancik Properties NY LLC - Property Owner - Smithtown, NY	Cost to mail Notice of Violation and Notice of Hearings	06/24/2024		\$9.33
Urbancik Properties NY LLC - Property Owner - Port Orange, FL	Cost to mail Notice of Violation and Notice of Hearings	06/24/2024		\$9.33
Steven Barnes - Registered Agent	Cost to mail Notice of Violation and Notice of Hearings	06/24/2024	Certified receipt returned signed	\$9.33
Clerk of Court	Cost to record Finding of Fact	07/24/2024		\$29.25
Urbancik Properties NY LLC - Property Owner - Smithtown, NY	Cost to mail Finding of Fact	07/24/2024		\$9.33
Urbancik Properties NY LLC - Property Owner - Port Orange, FL	Cost to mail Finding of Fact	07/24/2024		\$9.33
Steven Barnes - Registered Agent	Cost to mail Finding of Fact	07/24/2024		\$9.33

Total: \$85.23



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-663

To: Urbancik Properties NY LLC
Property Owner
31 Cygnet Drive
Smithtown, NY 11787

Steven Barnes
Registered Agent
646 Long Island Avenue
Deer Park, FL 11729

Re: 594 Touchstone Circle
Port Orange, FL 32127
Parcel ID: 6316-02-00-0570
LEGAL DESCRIPTION: LOT 57 FOXBORO SUB MB 34 PG 117 PER OR 4739 PG 2245 PER OR 7
357 PG 0268
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 20, 2024, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by July 1, 2024**, by doing the following: **All unlicensed vehicles must be properly tagged, covered with an approved vehicle cover or removed from the property. Unregistered vehicles may not be stored in the rear yard.**

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 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 above specified time for correction given by the undersigned Code Enforcement Officer J. Scott Allman 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 Enforcement Officer to determine whether the property is in compliance. Briefly stated, the property is in violation of the following:

- 1.) 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: (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.

- The initial inspection of this property found an unlicensed/untagged vehicle stored in the backyard.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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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 July 24, 2024, 2024 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 above 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 Officer. 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 \$ 27.99 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 **July 24, 2024** enters a Final Order finding a violation as alleged, pursuant to Chapter 2, 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 **Special Magistrate** on **August 28, 2024, 2024 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 consider setting the fine lien on the above-referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.

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

DATED this 20 day of June 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: J. Scott Allman
J. Scott Allman, 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: Urbancik Properties NY LLC, Property Owner, 31 Cygnet Drive, Smithtown, NY 11787, RE: 594 Touchstone Circle Port Orange, FL 32127 was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property 6-20-24 (date)
☒ Posted at City Hall 6-20-24 (date)


J. Scott Allman, 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: Urbancik Properties NY LLC, Property Owner, 31 Cygnet Drive, Smithtown, NY 11787, RE: 594 Touchstone Circle Port Orange, FL 32127, was sent via certified and regular mail this 21 day of June, 2024


Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Steven Barnes, Registered Agent, 646 Long Island Avenue, Deer Park, FL 11729, RE: 594 Touchstone Circle Port Orange, FL 32127, was sent via certified and regular mail this 21 day of June, 2024


Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, ANY DECISION BY THE SPECIAL MAGISTRATE MAY BE APPEALED TO THE CIRCUIT COURT AND MUST BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

RECORD OF PROCEEDINGS

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Case Cost Sheet Log

Case No. 22-64

Name	Activity	Activity_Date	Status	Cost
Sonyia Carol Hill	Hand Delivery of Notice of Violation/Notice of Hearing	06/04/2024		\$0.00
Clerk of Court	Cost to record Finding of Fact	07/24/2024		\$29.25
Sonyia Carol Hill	Cost to mail Finding of Fact	07/24/2024		\$9.33

Total: \$38.58



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

7/24
8/28

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 22-64

To: Sonyia Carol Hill
908 Third Street
Port Orange, FL 32129

Re: 908 3rd Street
Port Orange, FL 32129
Parcel ID: 6304-02-07-0150
LEGAL DESCRIPTION: LOT 15 BLK 7 PORTONA PER OR 1882 PG 823
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 13, 2022, indicates that certain violation(s) of the City of Port Orange Code exists.

The property owner was notified of the violations noted below and given 180 days to correct. Re-inspections completed on July 12, 2022, July 25, 2023, and again on May 29, 2024, resulted in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by July 15, 2024**, by doing the following:

- 1) All peeling and flaking surfaces shall be eliminated, and surfaces repainted.
- 2) All exterior walls and siding must be repaired or replaced. A permit will need to be obtained for the damaged siding.
- 3) All damaged fascia boards must be repaired or replaced.

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 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 above specified time for correction given by the undersigned Code Enforcement Officer J. Scott Allman, 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 Enforcement Officer to determine whether the property is in compliance. Briefly stated, the property is in violation of the following:

1. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.2 (Protective Treatment), of the 2024 International Property Maintenance Code as adopted per the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14:** Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
 - The initial inspection of this property found peeling and flaking paint on the exterior of the home.
2. **Chapter 3, Section 304 (Exterior Structure), 304.6 (Exterior Walls), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** 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.
 - The initial inspection of this property found damaged/rotting siding on the exterior walls of the home.
3. **Chapter 3, Section 304 (Exterior Structure), 304.8 (Decorative Features), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Cornices, belt courses, corbels, terra cotta trim, wall facings and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
 - The initial inspection of this property found damaged fascia boards on the exterior of the home.

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 July 24, 2024 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 above 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 Officer. 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 \$ 8,133 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 **July 24, 2024** enters a Final Order finding a violation as alleged, pursuant to Chapter 2, 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 Special Magistrate on **August 28, 2024 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 consider setting the fine lien on the above-referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.

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

DATED this 4 day of June, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: J. Scott Allman
J. Scott Allman, 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: Sonyia Carol Hill, 908 Third Street, Port Orange, FL 32129, RE: 908 3rd Street, Port Orange, FL 32129, was

☒ Hand-delivered Recipient of hand delivered documents: Sonyia Hill - 6.4.24
☐ Posted at the property _____ (date)
☒ Posted at City Hall 6.4.24 (date)

J. Scott Allman
J. Scott Allman, 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: Sonyia Carol Hill, 908 Third Street, Port Orange, FL 32129, RE: 908 3rd Street, Port Orange, FL 32129, was sent via certified and regular mail this _____ day of _____.

Secretary, Special Magistrate

RIGHT TO APPEAL

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