



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, May 25, 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.:** 16-0428
Respondent: Linda & Armando Martin
Address of Violation: 926 Canalview Blvd., Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 04/14/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Overgrowth), 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.

C. ORDER IMPOSING FINE/LIEN

4. **CEB Case No.:** 16-162
Respondent: Brian M. Peterson and Brandy M. Peterson
Address of Violation: 767 Sandy Hill Circle, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 03/03/2016

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 42-26, (Cleanliness of Property Generally Duty of Owner), (d) Maintenance of improved residential lots.

5. **CEB Case No.:** 15-2094

Respondent: Ryan Alan McDowell JTRS & Stacey Nicole Simon JTRS

Address of Violation: 4632 Golden Apples Trail, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 02/24/2016

Compliance: No

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

6. **CEB Case No.:** 16-0158

Respondent: John B. Clark

Address of Violation: Nova Road, Port Orange, FL 32127;
Parcel ID: 6340-03-13-0040

Code Officer: Dena Joseph

First Notified: 02/23/2016

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 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; and

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.

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
MAY 11, 2016

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:05 a.m.

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Compliance Inspector
Chris Hutchison, Code Enforcement Supervisor
Robin Fenwick, City Clerk

Consideration of Minutes

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

Oaths

Code Compliance Inspector Dena Joseph was sworn in by Special Magistrate Branch.

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.

Ms. Joseph was sworn in by Special Magistrate Branch and testified as to the condition of the property and the notices provided to the property owner. She presented photographs of the posting, as well as the violations and a Stop Work Order as evidence. The photos were submitted into evidence by Special Magistrate Branch.

Ms. Joseph requested the Special Magistrate strike the violations regarding Florida Building Code – Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required).

Larry Roberts, City Engineer, was sworn in by Special Magistrate Branch and testified as to the grade change and stock piles in the City. He believes this property is an unapproved, unpermitted stock pile.

Special Magistrate Branch recessed to consult with Assistant City Attorney, Matt Jones, regarding the permitting process for the change of grade.

The Respondent applied for a change of grade permit on May 10, 2016 and is requesting to use the dirt to bring the adjacent property to the same level as the property in question.

Ms. Joseph advised that the property (also owned by this Respondent) is not in compliance of the adjacent property and is incurring fines.

Special Magistrate Branch continued the case until June 22, 2016 pending the approval process of the permit application. He is concerned with the verbiage of the Ordinance regarding building plans for change of grade permits.

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.

Ms. Joseph requested a dismissal of this case as the property is in compliance. Special Magistrate Branch granted the dismissal request.

ORDER IMPOSING FINE/LIEN – There were no cases to be heard.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 9:46 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 16-0428

Name	Activity	Activity_Date	Status	Cost
Linda Martin	Costs of mailing Notice of Violation/Notice of Hearing to 926 Canalview Blvd., Port Orange, FL 32129	04/18/2016		\$6.46
Armando Martin	Costs of mailing Notice of Violation/Notice of Hearing to 926 Canalview Blvd., Port Orange, FL 32129	04/18/2016		\$6.46
Clerk of Court	Cost to Record Finding of Fact, Conclusion of Law & Order	05/25/2016		\$27.00
Linda Martin	Costs of mailing Finding of Fact, Conclusion of Law & Order to 926 Canalview Blvd., Port Orange, FL 32129	05/25/2016		\$6.92
Armando Martin	Costs of mailing Finding of Fact, Conclusion of Law & Order to 926 Canalview Blvd., Port Orange, FL 32129	05/25/2016		\$6.92

Total: 53.76



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-0428

To: Linda & Armando Martin
Property Owners
926 Canalview Boulevard
Port Orange, FL 32129

Re: 926 Canalview Boulevard
Port Orange, FL 32129
Parcel ID: 6337-01-23-0031

LEGAL DESCRIPTION: W 132 FT OF N 398.19 FT OF LOT 3 S OF CANAL ST BLK 23 DUNLAWTON PER OR 1576 PG
512 & DC PER OR 4286 PG 4720 PER OR 5265 PGS 4232-4234 INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **March 21, 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 42 (Nuisances), Article II (Garbage, Junk and Overgrowth), 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.

Initial inspection conducted on **March 21, 2016** after receiving a complaint regarding high weeds and grass and trash and debris on site which is attracting critters. Inspection revealed that the property is overgrown. I spoke to the real estate agent about getting the property mowed by the end of that week. I re-inspected the property on April 11, 2016 and found the front of the property mowed. The sides and the back yard area are still very high and must be cleaned up as instructed. Due to the extreme height of the grass, the property is to be considered a health and safety violation due to the possible harboring of rodents, snakes, and insects.

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 24, 2016 by mowing ENTIRE property and cleaning up any trash and debris that may be on site.**

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 25, 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 \$ 16.92 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 25, 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 July 13, 2016, at 9:00 a.m. or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 14th 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 Linda & Armando Martin, Property Owners, 926 Canalview Boulevard, Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 14th day of April, 2016.

Time: approx. 10:48 AM

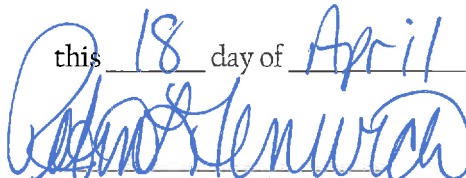

Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Linda & Armando Martin, Property Owners, 926 Canalview Boulevard, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 18 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: 6337-01-23-0031 2016 Working Tax Roll Last Updated: 04-10-2016

Owner Name and Address

Alternate Key	3679334	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6337-01-23-0031	Mill Group	402 Port Orange
Full Parcel ID	37-16-33-01-23-0031	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	MARTIN LINDA & ARMANDO		
Owner Name/Address 1			
Owner Address 2	926 CANALVIEW BLVD		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129-4208		
Situs Address	926 CANALVIEW BLVD PORT ORANGE 32129		

Legal Description

W 132 FT OF N 398.19 FT OF LOT 3 S OF CANAL ST BLK 23 DUNLAWTON PER OR 1576 PG 512 & DC PER OR 4286 PG 4720 PER OR 5265 PGS 4232-4234 INC

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5265 4232	02/2004	Quit Claim Deed	Unqualified Sale	Yes	10
4380 3766	12/1998	Warranty Deed 2016 Working Tax	Unqualified Sale	Yes	10
4286 4720	03/1998	Warranty Deed	Qualified Sale	Yes	135,000

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	39,847	131,943	16,179	187,969	147,739	147,739	25,500	122,239	25,000	97,239
2014	39,847	118,150	12,830	170,827	146,566	146,566	25,500	121,066	25,000	96,066

[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	132.0	398.0	132.00	FRONT FEET	330.00	120	85	90	100	39,847
Neighborhood 5308 DUNLAWTON (6337-01)											
Total Land Classified											0
Total Land Just											39,847

Building Characteristics

Building Number: 119886 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
119886	Single Family	262	1974	300		28%	0%	0%	2999
Roof Type	GABLE	Floors		Conc Finished	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Plaster	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	1	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	1	A/C		Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	CONC OR CINDER BLOCK	1.0	1974	N	0%	0%	2459 Sq. Feet
002	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1998	N	0%	0%	918 Sq. Feet
003	Porch, Open Finished (FOP)	Non-Applicable	1.0	1974	N	0%	0%	75 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1974	N	0%	0%	50 Sq. Feet

800
70 Doc
15:70
2/25/04

02/25/2004 01:38 PM
Doc stamps .70
(Transfer Amt \$ 10)
Instrument# 2004-044411
Book: 5265
Page: 4232

LF298-04

QUITCLAIM DEED

THIS QUITCLAIM DEED, executed this 24 day of February, 2004 (year),

by first party, Grantor, Linda Lam

whose post office address is 926 CANALVIEW BLVD.
PORT ORANGE FL. 32129-4208

to second party, Grantee, Linda Martin, Armando Martin

whose post office address is 926 CANALVIEW BLVD
PORT ORANGE FL. 32129-4208

WITNESSETH, That the said first party, for good consideration and for the sum of _____ Dollars (\$ 0)
paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release
and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first
party has in and to the following described parcel of land, and improvements and appurtenances thereto in
the County of Volusia, State of Florida to wit:

See ATTACHED Legal DIScription

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

Susan Thomas
Signature of Witness

Susan Thomas
Print name of Witness

Libblian Lee
Signature of Witness

Libblian Lee
Print name of Witness

Linda Lam Martin
Signature of First Party

Linda LAM Martin
Print name of First Party

Libblian Lee
Signature of First Party

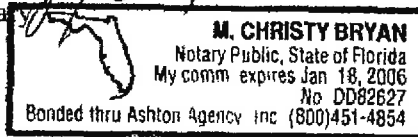
Libblian Lee
Print name of First Party

State of Florida
County of Volusia

On 2/24/04 before me, M. Christy Bryan
appeared Linda Lam Martin

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

M. Christy Bryan
Signature of Notary



Affiant Known Produced ID Florida Driver License
Type of ID (Seal)

State of
County of
On

before me,

appeared
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official seal.

Signature of Notary

Affiant Known Produced ID
Type of ID (Seal)

Signature of Preparer

Print Name of Preparer

Address of Preparer

LEGAL DESCRIPTION

THAT PORTION OF LOT 3, BLOCK 23, DUNLAWTON SUBDIVISION, OF RECORD IN DEED BOOK M, PAGE 183, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: AS A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JACKSON STREET (A 30 FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE OF CANALVIEW BLVD.; (FORMERLY CANAL STREET);

THENCE

EASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 645 FEET TO THE POINT IN THE WESTERLY LINE OF SAID LOT 3 AND THE POINT OF BEGINNING THIS DESCRIPTION; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 3, A DISTANCE OF 398.19 FEET TO A POINT THAT IS 232.05 FEET NORTHERLY FROM THE INTERSECTION OF SAID EASTERLY LINE WITH THE NORTHERLY OF SAMMS AVENUE, A 30 FOOT RIGHT-OF-WAY; THENCE EASTERLY PARALLEL WITH SAID SAMMS AVENUE, AND ALONG THE NORTHERLY LINE OF THAT PROPERTY DESCRIBED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1843, PAGE 1156, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, A DISTANCE OF 132.00 FEET; THENCE NORTHERLY AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 3, A DISTANCE OF 398.19 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF CANALVIEW BOULEVARD, AFORESAID; THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 132.00 FEET TO THE POINT OF BEGINNING.

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit

Case Cost Sheet Log

Case No. 16-162

Name	Activity	Activity_Date	Status	Cost
Brian M. Peterson	Costs for mailing the Notice of Violation/Notice of Hearing to 767 Sandy Hill Circle, Port Orange, FL 32127	03/07/2016	Returned unclaimed	\$6.95
Brandy M. Peterson	Costs for mailing the Notice of Violation/Notice of Hearing to 767 Sandy Hill Circle, Port Orange, FL 32127	03/07/2016	Returned unclaimed	\$6.95
Clerk of Court	Recording fees - Finding of Fact/Conclusion of Law & Order	04/13/2016		\$27.00
Brian M. Peterson	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 767 Sandy Hill Circle, Port Orange, FL 32127	04/13/2016		\$6.95
Brandy M. Peterson	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 767 Sandy Hill Circle, Port Orange, FL 32127	04/13/2016		\$6.95
Clerk of Court	Recording fees - Order Setting Fine/Lien	05/25/2016		\$44.00
Brian M. Peterson	Costs for mailing the Order Setting Fine/Lien to 767 Sandy Hill Circle, Port Orange, FL 32127	05/25/2016		\$0.67
Brandy M. Peterson	Costs for mailing the Order Setting Fine/Lien to 767 Sandy Hill Circle, Port Orange, FL 32127	05/25/2016		\$0.67

Total: 100.14



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-162

To:
Brian M. & Brandy M. Peterson
767 Sandy Hill Cir
Port Orange, FL 32127

Re: 767 Sandy Hill Cir
Port Orange, FL 32127
Parcel ID: 6316-08-00-0230
LEGAL DESCRIPTION: LOT 23 COUNTRYSIDE SUB UNIT II MB 39 PGS 79 & 80 PER OR 5308 PG 3307
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 4, 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 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (d) Maintenance of improved residential lots.

An inspection of the property was conducted on February 4, 2016. During the inspection, I observed a lawn violation. A re-inspection was conducted on February 11, 2016 and the property was still in violation. To correct the violation, the property must be mowed and all high weeds trimmed.

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 **March 18, 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 April 13, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts

and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.96 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 **April 13, 2016** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **May 25, 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 3 day of March, 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 Brian M. & Brandy M. Peterson, 767 Sandy Hill Cir, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 4 day of March, 2016.

Time: approx. 10:30

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 Brian M. & Brandy M. Peterson, 767 Sandy Hill Cir, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 7th day of March, 2016.
[Signature]
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: 6316-08-00-0230 **2016 Working Tax Roll** Last Updated: 02-28-2016

Owner Name and Address

Alternate Key	4640703	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6316-08-00-0230	Mill Group	402 Port Orange
Full Parcel ID	16-16-33-08-00-0230	2015 Final Mill Rate	20.86510
Created Date	20 FEB 1984		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	PETERSON BRIAN M & BRANDY M		
Owner Name/Address 1			
Owner Address 2	767 SANDY HILL CIRCLE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	767 SANDY HILL CIR PORT ORANGE 32127		

Legal Description
 LOT 23 COUNTRYSIDE SUB UNIT II MB 39 PGS 79 & 80 PER OR 5308 PG 3307

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5308	3307	04/2004	Warranty Deed	Qualified Sale	Yes	245,500
5015	2894	01/2003	Quit Claim Deed	Affiliated Parties	Yes	10
4447	2864	06/1999	Warranty Deed	Qualified Sale	Yes	184,000
3142	0680	05/1988	Warranty Deed	Qualified Sale	Yes	145,500
2853	0860	07/1986	Warranty Deed	Qualified Sale	Yes	142,000

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	25,500	160,008	16,733	202,241	165,790	165,790	25,000	140,790	25,000	115,790
2014	25,500	141,620	15,240	182,360	164,474	164,474	25,000	139,474	25,000	114,474

[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	0.0	0.0	1.00	LOT	25500.00	100	100	100	100	25,500
Neighborhood 5735 COUNTRYSIDE UNIT II											
Total Land Classified											0
Total Land Just											25,500

Building Characteristics
 Building Number: 146941 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
146941	Single Family	172	1986	400		18%	0%	0%	2999
Roof Type	HIP	Floors		Carpet	Bedrooms	4	4 Fixture Bath		2
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	1	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	0	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	1	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)	COMMON BRICK	1.0	1986	N	0%	0%	1688 Sq. Feet
002	Upper Story, Finished (FUS)	COMMON BRICK	1.0	1986	N	0%	0%	376 Sq. Feet
003	Upper Story, Finished (FUS)	COMMON BRICK	1.0	1986	N	0%	0%	446 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1986	N	0%	0%	110 Sq. Feet
005	Finished Garage (FGR)	Non-Applicable	1.0	1986	N	0%	0%	529 Sq. Feet

05/03/2004 10:21 AM
Doc stamps 1718.50
(Transfer Amt \$ 245500)
Instrument# 2004-103971
Book: 5308
Page: 3307
Diane M. Matousek
Volusia County, Clerk of Court

Return to: Marilea Reese
Name: SOUTHERN TITLE HOLDING COMPANY, LLC.
Address: 801 BEVILLE ROAD, SUITE 201
SOUTH DAYTONA, Florida 32119

This Instrument Prepared:
Marilea Reese
SOUTHERN TITLE HOLDING COMPANY, LLC.
801 BEVILLE ROAD, SUITE 201
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):
6316-08-00-0230
Grantee(s) S.S.#(s):
File No: DB0412388

WARRANTY DEED

This Warranty Deed Made the 28th day of April, 2004, by DAVID E. SINGLETON, A SINGLE PERSON, hereinafter called the grantor, whose post office address is: 761 TARRYTOWN TRAIL, PORT ORANGE, Florida 32127

to BRIAN M. PETERSEN and BRANDY M. PETERSEN, HUSBAND AND WIFE whose post office address is: 767 SANDY HILL CIRCLE, 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:

LOT 23, COUNTRYSIDE SUBDIVISION - UNIT II, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 39, PAGES 79 AND 80, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

The property is the homestead of the Grantor(s).

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to **DECEMBER 31, 2003**, 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:

Printed Name:

Witness Signature:

Printed Name:

Witness Signature:

Printed Name:

Witness Signature:

Printed Name:

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 28th day of April, 2004, by DAVID E. SINGLETON, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires:



Marilea J. Reese
MY COMMISSION # DD195253 EXPIRES
March 21, 2007
BONDED THRU TROY FAY INSURANCE, INC.

MARILEA J. REESE
Notary Public
Serial Number

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

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

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

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

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

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-162**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

BRIAN M. & BRANDY M. PETERSON
767 SANDY HILL CIRCLE
PORT ORANGE, FL 32127
PARCEL ID: 6316-08-00-0230

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 13, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Brian M. and Brandy M. Peterson, whose mailing address is 767 Sandy Hill Circle, Port Orange, FL 32127, is/are the owner(s) of the property located at 767 Sandy Hill Circle, Port Orange, FL 32127, and more particularly described as:

LOT 23 COUNTRYSIDE SUB UNIT II MB 39 PGS 79 & 80 PER OR 5308 PG 3307

B. The property's lawn is overgrown and needs to be completely mowed. This condition was first observed at the real property described above on February 4, 2016; re-inspections made on March 23, 2016 and April 12, 2016 confirmed the condition as being the same. Respondents received notice via certified mail and posting at City Hall on March 7, 2016, as well as via posting on the property on March 3, 2016, that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (d) Maintenance of improved residential lots, and was to be corrected by March 18, 2016.

C. At the time of the hearing on April 13, 2016, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

D. ☒ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

CONCLUSION OF LAW:

Respondent(s), Brian M. & Brandy M. Peterson, by reason of the foregoing, has/have violated Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (d) Maintenance of improved residential lots, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of high weeds and grass is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

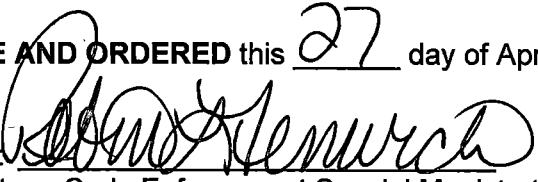
ORDER:

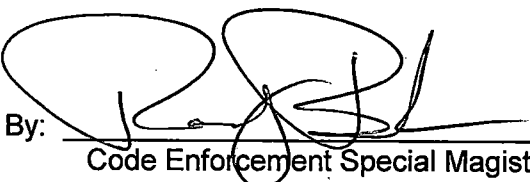
A. Respondent(s) shall correct the aforesaid violation by this ORDER on or before April 27, 2016. In the event that the property is not brought into compliance on or before April 27, 2016, and/or not maintained in a state of compliance, the case will be referred to the City Council for abatement. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$54.80 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

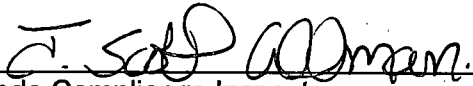
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 27 day of April, 2016.

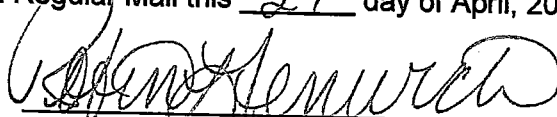
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Brian M. & Brandy M. Peterson, 767 Sandy Hill Circle, Port Orange, FL 32127 by Certified and Regular Mail this 27 day of April, 2016.



Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA

I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.

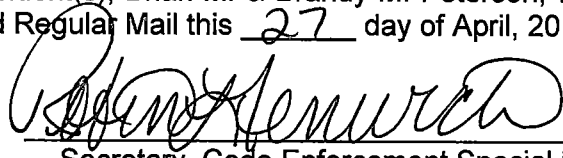
This document has/has not been redacted pursuant to Florida Law.

This 28 day of April, 2016.

By 

/s/ Robin L. Fenwick

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Brian M. & Brandy M. Peterson, 767 Sandy Hill Circle, Port Orange, FL 32127 by Certified and Regular Mail this 27 day of April, 2016.



Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-2094

Name	Activity	Activity_Date	Status	Cost
Ryan Alan McDowell JTRS	Costs for mailing the Notice of Violation/Notice of Hearing to 4632 Golden Apples Trail, Port Orange, FL 32127	02/25/2016	Returned - vacant	\$6.95
Stacey Nicole Simon JTRS	Costs for mailing the Notice of Violation/Notice of Hearing to 4632 Golden Apples Trail, Port Orange, FL 32127	02/25/2016	Returned - vacant	\$6.95
Clerk of Court	Recording fees - Finding of Fact/Conclusion of Law & Order	04/13/2016		\$27.00
Ryan Alan McDowell JTRS	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 4632 Golden Apples Trail, Port Orange, FL 32127	04/13/2016		\$6.95
Stacey Nicole Simon JTRS	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 4632 Golden Apples Trail, Port Orange, FL 32127	04/13/2016		\$6.95
Clerk of Court	Recording fees - Order Setting Fine/Lien	05/25/2016		\$44.00
Ryan Alan McDowell JTRS	Costs for mailing the Order Setting Fine/Lien to 4632 Golden Apples Trail, Port Orange, FL 32127	05/25/2016		\$0.67
Stacey Nicole Simon JTRS	Costs for mailing the Order Setting Fine/Lien to 4632 Golden Apples Trail, Port Orange, FL 32127	05/25/2016		\$0.67

Total: 100.14



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-2094

To: Ryan Alan McDowell JTRS & Stacey Nicole Simon JTRS
Property Owners
4632 Golden Apples Trail
Port Orange, FL 32129

Re: 4632 Golden Apples Trail
Port Orange, FL 32129
Parcel ID: 6307-15-00-1410

LEGAL DESCRIPTION: LOT 141 CROSS CREEK PHASE II MB 43 PG 56 PER OR 4353 PG 1394 PER OR 6320 PGS 3681-3683 INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on December 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:

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

Property initially inspected on December 30, 2015 after noticing the condition of the lawn. The weeds were high and it was evident that the property was not being maintained. I left a 5 day door hanger to mow the entire property to include the high weeds in the landscaped areas. . A re-inspection performed on February 22, 2016 resulted in non-compliance. Due to the possibility of the harborage of rodents, snakes, insects, etc. the property is to be considered a health and safety violation.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by March 6, 2016 by mowing entire property to include weed eating, edging etc. and removing all fallen limbs and debris.

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

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

At the event the Special Magistrate, during the hearing on April 13, 2016 enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on May 25, 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 24th day of February, 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 Ryan Alan McDowell JTRS & Stacey Nicole Simon JTRS, Property Owners, 4632 Golden Apples Trail, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 10:11 AM

this 24th day of February, 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 Ryan McDowell JTRS & Stacey Nicole Simon JTRS, Property Owners, 4632 Golden Apples Trail, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified

this 25 day of Feb., 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: 6307-15-00-1410 **2016 Working Tax Roll** Last Updated: 02-21-2016

Owner Name and Address

Alternate Key	5162460	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6307-15-00-1410	Mill Group	402 Port Orange
Full Parcel ID	07-16-33-15-00-1410	2015 Final Mill Rate	20.86510
Created Date	22 FEB 1990		
Property Class	01 Single Family		
Ownership Type			
Owner Name	MCDOWELL RYAN ALAN JTRS &	Ownership Percent	100
Owner Name/Address 1			
Owner Address 2	4632 GOLDEN APPLES TRL		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32119		
Situs Address	4632 GOLDEN APPLES TR PORT ORANGE 32129		

Additional Owners

Ownership Type		Ownership Percent	100.00
Additional Owner Name	SIMON STACEY NICOLE JTRS &		

Legal Description

LOT 141 CROSS CREEK PHASE II MB 43 PG 56 PER OR 4353 PG 1394 PER OR 6320 PGS 3681-3683 INC

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6320 3681	01/2009	Warranty Deed	Qualified Sale	Yes	145,000
4353 1394	09/1998	Warranty Deed	Qualified Sale	Yes	104,000
3750 3722	06/1992	Warranty Deed	Qualified Sale	Yes	82,400

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	16,800	109,443	164	126,407	126,407	126,407	0	126,407	0	126,407
2014	16,800	92,106	300	109,206	109,050	109,050	25,000	84,050	25,000	59,050

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	80.0	110.0	80.00	FRONT FEET	210.00	100	100	100	100	16,800
Neighborhood 5882 CROSS CREEK PHASE I & PHASE I											
Total Land Classified											0
Total Land Just											16,800

Building Characteristics

Building Number: 165944 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
165944	Single Family	194	1992	300		13%	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		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	1992	N	0%	0%	1593 Sq. Feet	
002	Finished Enclosed Porch (FEP)	Non-Applicable	1.0	1992	N	0%	0%	140 Sq. Feet	
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1992	N	0%	0%	60 Sq. Feet	
005	Finished Garage (FGR)	Non-Applicable	1.0	1992	N	0%	0%	462 Sq. Feet	

02/09/2009 11:14 AM
Doc stamps 1015.00
(Transfer Amt \$ 145000)
Instrument# 2009-022571 # 1
Book : 6320
Page : 3681

Prepared by
Natalie McKee, an employee of
First American Title Insurance Company
209 Dunlawton Avenue, Suite 17
Port Orange, Florida 32127
(386)761-7511

Return to: Grantee
File No.: 1019-2051763

WARRANTY DEED

Made this January 29, of 2009 by and between

Carmella A. Disanza, single widow and surviving spouse of James J. Disanza, deceased

whose address is: **25710 Mesa Edge Ct, Sun City, CA 92585**
hereinafter called the "grantor", to

Ryan Alan McDowell, a single man and Stacey Nicole Simon, a single woman as joint tenants with right of survivorship

whose post office address is: **4632 Golden Apples Trail, Port Orange, FL 32119**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

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

Lot 141, CROSS CREEK PHASE II, as per map in Map Book 43, Page 56 of the Public Records of Volusia County, Florida.

Parcel Identification Number: **6307-15-00-1410**

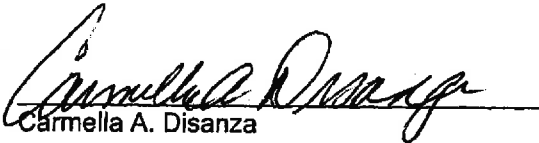
Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2008.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

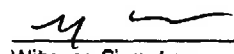

Carmella A. Disanza

Signed, sealed and delivered in the presence of these witnesses:


Witness Signature

Print

 Dooley


Witness Signature

Print Name:

NORMA GUERRERO

State of _____

See attached California Jurat

County of _____

Sworn To And Subscribed before me on _____, by **Carmella A. Disanza, a single widow and surviving spouse of James J. Disanza, deceased** ~~who is/are personally known to me or~~ who has/have produced a valid driver's license as identification and who did take an oath. This document has been notarized pursuant to Florida Statute, Chapter 668.

Notary Public

Print Name

My Commission Expires: _____

{Notarial Seal}

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- ☒ See Attached Document (Notary to cross out lines 1-6 below)
☐ See Statement Below (Lines 1-5 to be completed only by document signer[s], not Notary)

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

County of Riverside

Subscribed and sworn to (or affirmed) before me on this

29th day of January, 2009, by
Date Month Year

(1) Carmella A. Disanza
Name of Signer

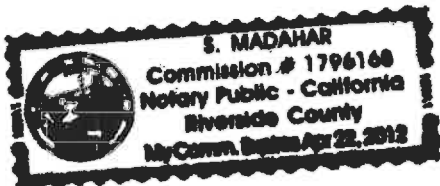
proved to me on the basis of satisfactory evidence
to be the person who appeared before me (.) (X)

(and

(2) _____
Name of Signer

proved to me on the basis of satisfactory evidence
to be the person who appeared before me.)

Signature D. Madahar
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

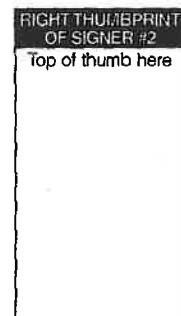
Though the information below is not required by law, it may prove
valuable to persons relying on the document and could prevent
fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Warranty Deed

Document Date: 01/29/2009 Number of Pages: 2 + Jurat

Signer(s) Other Than Named Above: Dileen Dooley & Norma
Querrero



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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-2094**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

RYAN ALAN MCDOWELL JTRS
STACEY NICOLE SIMON JTRS
4632 GOLDEN APPLES TRAIL
PORT ORANGE, FL 32129
PARCEL ID: 6307-15-00-1410

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 13, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Ryan Alan McDowell & Stacey Nicole Simon JTRS, whose mailing address is 4632 Golden Apples Trail, Port Orange, FL 32129, is/are the owner(s) of the property located at 4632 Golden Apples Trail, Port Orange, FL 32129, and more particularly described as:

LOT 141 CROSS CREEK PHASE II MB 43 PG 56 PER OR 4353 PG 1394
PER OR 6320 PGS 3681-3683 INC

B. The property's lawn is overgrown and needs to be completely mowed. This condition was first observed at the real property described above on December 30, 2015; re-inspections made on March 6, 2016 and April 12, 2016 confirmed the condition as being the same. Respondents received notice via certified mail and posting at City Hall on February 25, 2016, as well as via posting on the property on February 24, 2016, that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (d) Maintenance of improved residential lots, and was to be corrected by March 6, 2016.

C. At the time of the hearing on April 13, 2016, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

D. ☒ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

CONCLUSION OF LAW:

Respondent(s), Ryan Alan McDowell and Stacey Nicole Simon, JTRS, by reason of the foregoing, has/have violated Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (d) Maintenance of improved residential lots, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of high weeds and grass is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

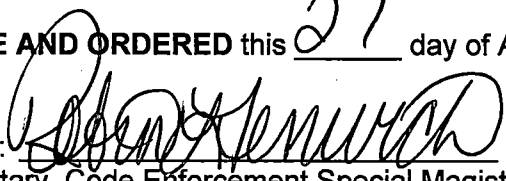
ORDER:

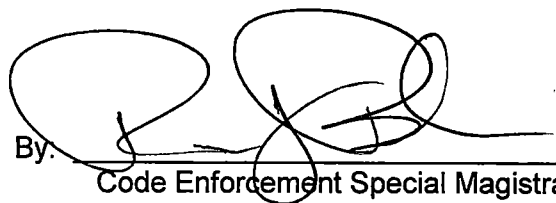
A. Respondent(s) shall correct the aforesaid violation by this ORDER on or before April 23, 2016. In the event that the property is not brought into compliance on or before April 23, 2016, and/or not maintained in a state of compliance, the case will be referred to the City Council for abatement. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$54.80 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

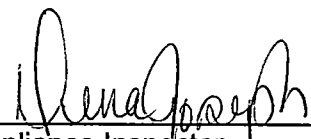
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 27 day of April, 2016.

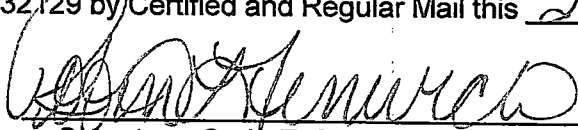
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Ryan Alan McDowell and Stacey Nicole Simon JTRS, 4632 Golden Apples Trail, Port Orange, FL 32129 by Certified and Regular Mail this 27 day of April, 2016.



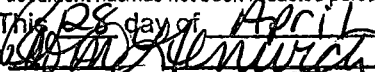
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA

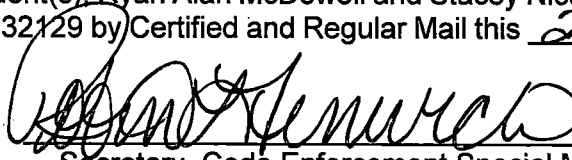
I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law.

This 28 day of April, 2016.
By 

/s/ Robin L. Fenwick

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s) Ryan Alan McDowell and Stacey Nicole Simon JTRS, 4632 Golden Apples Trail, Port Orange, FL 32129 by Certified and Regular Mail this 27 day of April, 2016.



Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 16-0158

Name	Activity	Activity_Date	Status	Cost
John B. Clark	Costs for mailing the Notice of Violation/Notice of Hearing to 2518 Tortugas Lane, Fort Lauderdale, FL 33312	02/24/2016	Returned unclaimed	\$6.95
Clerk of Court	Recording fees - Finding of Fact/Conclusion of Law & Order	04/13/2016		\$27.00
John B. Clark	Costs for mailing the Finding of Fact/Conclusion of Law & Order to 2518 Tortugas Lane, Fort Lauderdale, FL 33312	04/13/2016		\$6.95
Clerk of Court	Recording fees - Order Setting Fine/Lien	05/25/2016		\$44.00
John B. Clerk	Costs for mailing the Order Setting Fine/Lien to 2518 Tortugas Lane, Fort Lauderdale, FL 33312	05/25/2016		\$0.67

Total: 85.57



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-0158

To: John B. Clark
Property Owner
2518 Tortugas Ln
Fort Lauderdale FL 33312

Re: Nova Road
Port Orange, FL 32127
Parcel ID: 6340-03-13-0040

LEGAL DESCRIPTION: LOT 4 BLK M BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 6982 PG 3449 PER OR 6982 PG 3451

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **DECEMBER 28, 2015** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

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 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.

Original inspection conducted on **December 28, 2015** after receiving a complaint that the residents are running a used car and truck business at this location. Inspection conducted on this date. Found one Jeep on site for sale. Main concern on this property is that they are clearing the property next door. Also, there is a large abundance of outside storage in this area along with a shed that has been placed on the property which was not permitted. Left 5 day door hanger to store all outside storage inside or behind an opaque fence. I also asked residents to call re: additional complaints such as the business and the clearing. As of January 12, 2016, nothing had been done and I had not heard from the residents. On January 13, 2016, I posted a stop work order for clearing and the installation of the shed. Photos taken of posting. The items being stored on the outside of the property were never removed. Property remains in non-compliance.

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 **MARCH 8, 2016 BY APPLYING FOR THE APPROPRIATE PERMITS AND COMPLYING TO THE PROVISIONS AS SET FORTH ON THOSE PERMITS, AND REMOVING ALL OUTSIDE STORAGE ON THE PROPERTY.**

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 April 13, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 **April 13, 2016** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd **PUBLIC HEARING** will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate** on **May 25, 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 23rd day of February, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to John B. Clark, Property Owner, 2518 Tortugas Lane, Ft. Lauderdale, FL 33312, was

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

Time: approx. 1:46 PM

this 23rd day of February, 2016.

Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to John B. Clark, Property Owner, 2518 Tortugas Lane, Ft. Lauderdale, FL 33312, was

☒ Posted at City Hall
☒ Sent via certified

this 24 day of February, 2016.

John A. Kewich
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: 6340-03-13-0040 **2016 Working Tax Roll** Last Updated: 02-21-2016

Owner Name and Address

Alternate Key	3692519	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6340-03-13-0040	Mill Group	402 Port Orange
Full Parcel ID	40-16-33-03-13-0040	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	CLARK JOHN B		
Owner Name/Address 1			
Owner Address 2	2518 TORTUGAS LN		
Owner Address 3	FORT LAUDERDALE FL		
Owner Zip/Postal Code	33312		
Situs Address	NOVA RD PORT ORANGE 32127		

Legal Description
 LOT 4 BLK M BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 6982 PG 3449 PER OR 6982 PG 3451

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6982 3451	02/2014	Warranty Deed	Unqualified Sale	No	5,000
6982 3449	08/1988	Death Certificate	Unqualified Sale	No	100

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	13,847	0	0	13,847	13,847	13,847	0	13,847	0	13,847
2014	13,293	0	0	13,293	13,293	13,293	0	13,293	0	13,293

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0001	VAC PVD THRU .49 AC	60.0	150.0	60.00	FRONT FEET	250.01	103	80	100	45	5,539
Neighborhood 5769 HARBOR OAKS UNIT 2 (6340-01)											
Total Land Classified											0
Total Land Just											5,539

Parcel Notes (Click button below to display Parcel Notes)

[Display Notes](#)

Planning and Building

Permit Number	Permit Amount	Date Issued	Date Complete	Construction Description	Occupancy Number	Occupancy Bldg
Display Permits						

Total Values

Land Value	5,539 New Construction Value	0
Building Value	0 City Econ Dev/Historic	0
Miscellaneous	0	
Just Value	5,539 Previous Just Value	13,847
School Assessed	5,539 Previous School Assessed	13,847
Non-School Assessed	5,539 Previous Non-School Assessed	13,847
Exemption Value	0 Previous Exemption Value	0
Additional Exemption Value	0 Previous Additional Exemption Value	0
School Taxable	5,539 Previous School Taxable	13,847
Non-School Taxable	5,539 Previous Non-School Taxable	13,847

[MapIT](#)

[PALMS](#)

[Map Kiosk](#)

Name: JOHN B. CLARK
Address: 2518 TORTUGAS LANE
FORT LAUDERDALE, FL 33312
This Instrument Prepared by:
Name: SAME
Address:

Property Appraisers Parcel Identification

Folio Number(s): Full 40-16-33-03-13-0040
Grantee(s) S.S. # (s): Short 6340-03-13-0040

04/28/2014 09:12 AM
Doc stamps 35.00
(Transfer Amt \$ 5000)
Instrument# 2014-073857 # 1
Book: 6982
Page: 3451
Diane M. Matousek
Volusia County, Clerk of Court

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed, Made the 17 day of April, 2014, by
Dorothy A. Van Winkle, Jerry C. Van Winkle (Deceased) Debra L. Williams
hereinafter called the Grantor, to John B. Clark
whose post office address is 2518 TORTUGAS LANE FORT LAUDERDALE, FL 33312
hereinafter called the Grantee.

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

Witnesseth, That the Grantor, for and in consideration of the sum of \$ 5,000 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, State of Florida, viz:

LOT 4 BLK M BAYWOOD REPLAT MB 23 PGS
44 & 45

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, and hereby warrants
the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said
land is free of all encumbrances, except taxes accruing subsequent to December 31.

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

Signed, sealed and delivered in the presence of:

Bill Farrell
Witness Signature (as to first Grantor)

Bill Farrell
Printed Name

Bill Leavelle
Witness Signature (as to first Grantor)

Bill Leavelle
Printed Name

Michael Swan
Witness Signature (as to Co-Grantor, if any)

Michael Swan
Printed Name

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

Printed Name

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

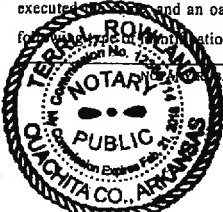
Printed Name

STATE OF Arkansas

COUNTY OF Quachita

Debra L. Williams

known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she
executed the same and an oath was not taken. (Check one: ☒ Said person(s) is/are personally known to me. ☐ Said person(s) provided the
following type of identification: AR DL



Debra L. Williams P.O.A. for

Dorothy Allen Horton Van Winkle
Grantor Signature

Debra L. Williams
Printed Name

Post Office Address

Co-Grantor Signature, (if any)

Printed Name

Post Office Address

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

Witness my hand and official seal in the County and State last aforesaid
this 27 day of Feb, A.D. 2014

Terri L. Rowland
Notary Signature

Terri L. Rowland
Printed Name

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

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

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

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

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

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

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

SECTION 105 PERMITS

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

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

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

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

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

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

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

Gas:

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

Mechanical:

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

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

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

(Code 1981, § 10-7)

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.
 - (6) The effect that changes in the natural existing grade will have on the trees to be protected and preserved.
 - (7) The effect that changes in the natural or existing grade will have on drainage and its impact on adjoining properties.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-0158**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JOHN B. CLARK
5390 NOVA ROAD
PORT ORANGE, FL 32127
PARCEL ID: 6340-03-13-0040

Respondent.

AMENDED FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 13, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), John B. Clark, whose mailing address is 2518 Tortugas Lane, Fort Lauderdale, FL 33312, is/are the owner(s) of the property located at 5390 Nova Road, Port Orange, FL 32127, and more particularly described as:

LOT 4 BLK M BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 6982 PG 3449
PER OR 6982 PG 3451

B. There is a large abundance of outside storage on the property, along with a shed that was placed on the property without a permit. This condition was first observed at the real property described above on December 28, 2015; re-inspections made on March 9, 2016 and April 12, 2016 confirmed the condition as being the same. Respondents received notice via certified mail and posting at City Hall on February 24, 2016, as well as via posting on the property on February 23, 2016, that the aforesaid conditions constituted a violation of Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required) and 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.), and was to be corrected by March 8, 2016.

C. At the time of the hearing on April 13, 2016, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

D. ☐ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

CONCLUSION OF LAW:

Respondent(s), John B. Clark, by reason of the foregoing, has/have violated Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 105.1 (Required) and 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.), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of high weeds and grass is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

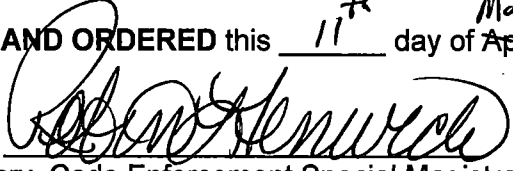
ORDER:

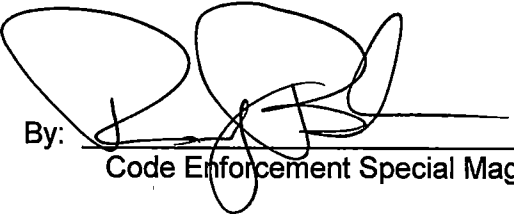
A. Respondent(s) shall correct the aforesaid violation by this ORDER on or before April 23, 2016. In the event that the property is not brought into compliance on or before April 23, 2016, and/or not maintained in a state of compliance, a fine in the amount of \$100.00 per day will be assessed against the property until it is abated. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.90 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

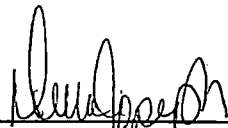
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 11th day of May, 2016.

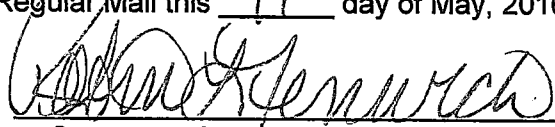
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Amended Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), John B. Clark, 2518 Tortugas Lane, Fort Lauderdale, FL 33312 by Certified and Regular Mail this 11 day of May, 2016.



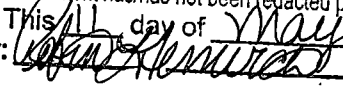
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA

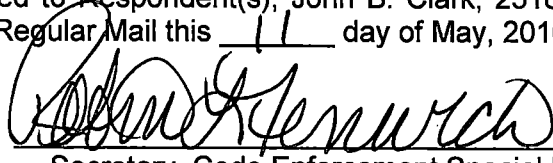
I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law

This 11 day of May, 2016.
By: 

/s/ Robin L. Fenwick

I HEREBY CERTIFY that a true and correct copy of the foregoing Amended Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), John B. Clark, 2518 Tortugas Lane, Fort Lauderdale, FL 33312 by Certified and Regular Mail this 11 day of May, 2016.



Secretary, Code Enforcement Special Magistrate