

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JANUARY 8, 2025

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

PRESENT: DAVID FULLER, SPECIAL MAGISTRATE

ALSO PRESENT: SCOTT ALLMAN, CODE ENFORCEMENT OFFICER
DENA JOSEPH, CODE ENFORCEMENT OFFICER

Oaths

Code Enforcement Officers Scott Allman and Dena Joseph were sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview of the code enforcement process as there were members of the public present.

2. Consideration of Minutes

Mr. Fuller approved the December 11, 2024, meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-1435

Respondent: Matthew West LLC TR, owner
Kelly K West, Registered Agent

Address of Violation: 96 E Bayshore Drive

Code Officer: Dena Joseph

First Notified: 9/24/2024

Compliance: Yes

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

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

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

4. CEB Case No.: 24-1448

Respondent: James V. Kloos

Itala M. Kloos

Address of Violation: 828 Sugarhouse Boulevard

Code Officer: Scott Allman

First Notified: 9/27/2024

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages. Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances. City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage (a) In general (b) Principal use and/or principal structure required.

Mr. Allman was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by December 9, 2024, by The violation was to be corrected by December 9, 2024, by 1.) mowing the entire property, trimming all high weeds and by blowing all debris back onto the property; 2.) removing all stored items (including but not limited to plants, buckets, grills, tables, chairs etc.) from the property or by storing them in an enclosed building; 3.) and removing all outdoor stored items as they are not permitted on any lot which does not have an established principal use.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by January 27, 2025, by 1.) mowing the entire property, trimming all high weeds and by blowing all debris back onto the property; 2.) removing all stored items (including but not limited to plants, buckets, grills, tables, chairs etc.) from the property or by storing them in an enclosed building; 3.) and removing all outdoor stored items as they are not permitted on any lot which does not have an established principal use. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$500.00 per day shall be imposed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Allman requested any

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future violations under this ordinance be considered repeat, and that the property be deemed a health and safety concern for the surrounding neighbors in that it is an attractive nuisance for small children, rodents, and other pests. The cost sheet in the amount of \$111.89 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Wes Wade, resident, spoke to the history and current condition of the property and suggested the City move forward with foreclosure action in accordance with Florida Statue.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until January 27, 2025, to mow the entire property, trim all high weeds and blow all debris back onto the property; 2.) remove all stored items (including but not limited to plants, buckets, grills, tables, chairs etc.) from the property or by storing them in an enclosed building; 3.) and remove all outdoor stored items as they are not permitted on any lot which does not have an established principal use or a daily fine in the amount of \$500.00 per day shall be imposed. Costs in the amount of \$111.89 were awarded to the City.

5. CEB Case No.: 24-1060

Respondent: Bethanne Keller

Address of Violation: 5579 Lancewood Drive, Port Orange, FL 32127

Code Officer: Caelan Savary

First Notified: 8/14/2024

Compliance: Yes

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

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

6. CEB Case No.: 24-1146

Respondent: Billy Charles Davis, Inc.

Address of Violation: 5401 Christiancy Avenue

Code Officer: Caelan Savary

First Notified: 8/26/2024

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances. Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

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

7. CEB Case No.: 24-1393

Respondent: Binh Ngo

Address of Violation: 543 Orange Avenue, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 9/20/2024

Compliance: No

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

Mr. Allman requested a continuation of the case until February 12, 2025. Special Magistrate Fuller granted the continuation request.

8. CEB Case No.: 24-0975

Respondent: Pamela D. Quantz

Address of Violation: 6505 Baywood Avenue, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 7/31/2024

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances. Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances. Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (a), (c), (3).

Mr. Allman requested a continuation of the case until February 12, 2025. Special Magistrate Fuller granted the continuation request.

9. **CEB Case No.:** 20-0974

Respondent: Pamela D. Quantz

Address of Violation: 6507 Baywood Avenue, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 7/31/2024

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances.

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

10. **CEB Case No.:** 24-0784

Respondent: Julia Zaehring

Address of Violation: 5154 Taylor Avenue, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 7/2/2024

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances. Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances. Chapter 42 (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

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

11. **CEB Case No.:** 24-1007

Respondent: Peter J. Renko

Address of Violation: 150 Howes Street, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 8/6/2024

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages. Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Mr. Allman requested a continuation of the case until February 12, 2025. Special Magistrate Fuller granted the continuation request.

ORDER IMPOSING FINE/LIEN

12. CEB Case No.: 24-1020

Respondent: Jennifer Wellnitz

Address of Violation: 748 Merrimac Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/8/2024

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances and (h) Abutting property owner maintenance of parkages. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances.

Mr. Allman requested a continuation of the case until February 12, 2025. Special Magistrate Fuller granted the continuation request.

13. CEB Case No.: 24-1326

Respondent: Joseph A Fazzie

Kathleen A Fazzie

Address of Violation: 6604 Mansour Ln.

Code Officer: Dena Joseph

First Notified: 9/17/2024

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d)

(Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages. Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances. Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Dena Joseph, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance by December 9, 2024, as ordered in the previous hearing on November 13, 2024, by the Special Magistrate. She requested a daily fine in the amount of \$125.00 per day beginning December 10, 2024, and said fine shall continue to accrue each and every day the violations continue to exist, as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$120.48 was tendered and submitted into evidence without objection.

Mr. Fazzie, property owner, was sworn in by Special Magistrate Fuller and showed photos of his property to the Special Magistrate stating he was in compliance.

Ms. Joseph, testified that Sherry Schimizzi, Code Enforcement Officer, inspected the property yesterday, January 7, 2024, and indicated the property was not in compliance at the time of inspection.

Ms. Schimizzi, was sworn in and testified to the condition of the property and stated the property was still in violation as the pile of debris and outside storage was still on site and the high weeds and grass still needed to be mowed.

Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of \$125.00 beginning December 10, 2024, and shall continue to accrue each and every day the violations continue to exist and mailing and recording costs to date of \$120.48. A lien in the amount of \$120.48 shall be imposed.

14. CEB Case No.: 24-725

Respondent: Diana Lynn Newth

Address of Violation: 5169 Pineland Avenue, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 6/18/2024

Compliance: No

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

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Mr. Allman requested a continuation of the case until February 12, 2025. Special Magistrate Fuller granted the continuation request.

15. CEB Case No.: 24-968

Respondent: Richard M. Gregoire

Janne C. Gregoire

Address of Violation: 5213 Rogers Avenue, Port Orange, FL 32127

Code Officer: Stan Barber

First Notified: 7/31/2024

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances and (h) Abutting property owner maintenance of parkages. Chapter 42 (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances.

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

ADJOURNMENT - 9:44 a.m.



Special Magistrate David Fuller