



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, June 22, 2016

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-0450 (Continued from May 11, 2016)

Respondent: John Clark

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

Code Officer: Dena Joseph

First Notified: 04/06/2016

Compliance: No

Cited for violation(s) -

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

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

4. **CEB Case No.:** 16-0798

Respondent: Sonny M. Wilson & Debora M. Wilson

Address of Violation: 4860 Spruce Creek Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 05/13/2016

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage;

City of Port Orange Code of Ordinances, Chapter 70 (Traffic), Article II (Stopping, Standing or Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles);

City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of lots generally-duty of owner), (f) Garbage, Waste, Trash, Etc. Prohibited);

City of Port Orange Code of Ordinances, Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-32 (Wrapping and preparation of garbage; keeping containers covered); and

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), (d) Maintenance of improved residential lots.

5. **CEB Case No.:** 16-292

Respondent: Charles & Peggy Collins

Address of Violation: 5481 Pineland Ave., Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 05/10/2016

Compliance: No

Cited for violation(s) - 1. Code Violation Section(s) City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26(d) Maintenance of improved residential lots;

2. Code Violation Section(s) City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26(f) Garbage, waste, trash, etc. prohibited; and

3. Code Violation Section(s) City of Port Orange Code of Ordinances, Article II, Section 42-32 Storage of vehicles, furniture, etc.

6. **CEB Case No.:** 16-326

Respondent: Shonn A. Isitt

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

Parcel ID #6310-07-33-0130

Code Officer: Scott Allman

First Notified: 05/11/2016

Compliance: No

Cited for violation(s) - 1. City of port Orange Code of Ordinances, Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (d) Maintenance of improved residential lots.

2. City of port Orange Code of Ordinances, Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (f) Garbage, waste, trash, etc., prohibited.

7. **CEB Case No.:** 16-327

Respondent: Allan & Michelle J. Johnson

Address of Violation: 911 Tall Pine Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 05/11/2016

Compliance: No

Cited for violation(s) - 1. City of Port Orange Code of Ordinances, Article II, Section 42-32 Storage of vehicles, furniture, etc. and

2. City of Port Orange Land development Code, Chapter 16 (Miscellaneous Regulations), Section 2 (Home Occupations), (d) Restrictions, (2) The use of the dwelling for a home occupation shall be clearly incidental and subordinate to its residential use, and there shall be no change in the appearance of the dwelling or outside evidence of nonresidential use, except for a maximum one square foot non-illuminated wall sign located adjacent to the main entrance of the structure & (8) There shall be no storage of equipment or supplies associated with the home occupation outside the dwelling.

8. **CEB Case No.:** 16-599

Respondent: Diane L. Crouter

Address of Violation: 163 Sand Pebble Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/12/2016

Compliance: Yes

Cited for violation(s) - 1. Chapter 42 Nuisances, Article 2 Garbage Junk and Undergrowth, Section 42-32 Storage of Vehicles Furniture etc.

9. **CEB Case No.:** 16-600

Respondent: Robert Colavita, Sr.

Address of Violation: 127 Sand Pebble Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/12/2016

Compliance: Yes

Cited for violation(s) - 1. Chapter 42 Nuisances, Article 2 Garbage Junk and Undergrowth, Section 42-32 Storage of Vehicles Furniture etc.

10. **CEB Case No.:** 16-451

Respondent: Jeffrey A. & Kristine Rundall

Address of Violation: 1102 Southland Court, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/12/2016

Compliance: Yes

Cited for violation(s) - 1. Chapter 42 Nuisances, Article 2 Garbage Junk and Undergrowth, Section 42-32 Storage of Vehicles Furniture etc.

11. CEB Case No.: 16-582

Respondent: Linda A. Kellar

Address of Violation: 128 Barefoot Trail, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/12/2016

Compliance: Yes

Cited for violation(s) - Chapter 42 Nuisances, Article 2 Garbage Junk and Undergrowth, Section 42-32 Storage of Vehicles Furniture etc.

12. CEB Case No.: 16-438

Respondent: Mitchell J. Scala JTRS

Address of Violation: 1353 E. Dexter Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/13/2016

Compliance: Yes

Cited for violation(s) - Land Development Code Chapter 9 Environmental Protection, Article 2 Tree Preservation, Section 10 (a).

13. CEB Case No.: 16-650

Respondent: Robert P. & Jodi A. Petrzala

Address of Violation: 3821 Long Grove Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/13/2016

Compliance: Yes

Cited for violation(s) - Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 304.6 Exterior walls

and

Chapter 70 of the City of Port Orange Code of Ordinances Article 2 Stopping Standing and Parking Section 70-49 - (c) Restrictions on disabled or abandoned vehicles.

C. ORDER IMPOSING FINE/LIEN

14. **CEB Case No.:** 16-162 (Continued from May 25, 2016 and June 8, 2016)

Respondent: Brian M. Peterson

Brandy M. Peterson

Address of Violation: 767 Sandy Hill Circle

Port Orange, FL 32127

Code Officer: Scott Allman

First Notified:

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.

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
JUNE 8, 2016

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:04 a.m.

PRESENT: Raymond Branch, Special Magistrate

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

Attorney Overview of Process

Special Magistrate Branch ensured the Respondents present understand their rights to be heard on the allegations against them.

Consideration of Minutes

Special Magistrate Branch approved the May 25, 2016 meeting minutes as presented.

Oaths

Code Compliance Inspectors Dena Joseph and Scott Allman, Mag Bishara, and City Clerk, Robin Fenwick, were sworn in by Special Magistrate Branch.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-64

Respondent: Riverwood Plantation HOA Inc.

Address of Violation: Riverwood Recreation Area Parcel E
Port Orange, FL 32127
Parcel ID: 6338-10-00-0005

Code Officer: Scott Allman

First Notified: 01/18/2016

Compliance: Yes

Cited for violation(s) - Fifth Edition (2014) Florida Building Code, Section 105.1 (Permits Required) as adopted by Chapter 8, Article 1 of the City of Port Orange Land Development Code.

Mr. Allman was sworn in by Special Magistrate Branch and testified as to the condition of the property, which is in compliance. Mr. Allman requested a dismissal of the case based on compliance.

Mag Bisara, Representative of Riverwood Plantation HOA, Inc., was sworn in by Special Magistrate Branch, who advised him the case would be dismissed for compliance.

Special Magistrate Branch approved the dismissal request.

ORDER IMPOSING FINE/LIEN

4. **CEB Case No.:** 16-0158 (Continued from May 25, 2016)
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.

Ms. Joseph was sworn in by Special Magistrate Branch and testified as to the condition of the property and notices provided to the property owner. The property remains in non-compliance as of June 8, 2016. She recommended a fine in the amount of \$100 per day to begin June 7, 2016.

Robin Fenwick, City Clerk, was sworn in by Special Magistrate Branch and testified as to the notice continuing the hearing to today's date. According to Special Magistrate Branch, sufficient evidence was presented to show Mr. Clark was properly notified.

Special Magistrate Branch admitted the Affidavit of Non-Compliance into evidence, as well as the Cost Sheet. Costs in the amount of \$85.57 are awarded against Mr. Clark and a fine in the amount of \$100 per day to begin on June 7, 2016.

5. **CEB Case No.:** 16-162 (Continued from May 25, 2016)
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: 03/04/2016

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.

Mr. Allman advised that he is having trouble getting in touch with the City's vendor. He requested a continuance of 30-days.

Special Magistrate Branch continued the case for two weeks rather than 30 days. He asked that a notice be prepared by the Clerk and mailed to the Respondent. Ms. Fenwick testified as to the notice mailed continuing the hearing to today's date. Sufficient evidence was received by Special Magistrate Branch as to proper notice. The case will be heard on June 22, 2016 to set the fine/lien.

6. **CEB Case No.:** 15-1481
Respondent: Judith Anderson
Address of Violation: 156 Sand Pebble Circle, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 03/14/2016

Compliance: No

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

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

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances;

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment, 108.1.5 (Dangerous Structure or Premises), (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances;

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

Chapter 1 (Scope and Administration), Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

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

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.13 (Window, skylight and door frames) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.15 (Doors)) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.1 (General)), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), 604.1 (Facilities Required) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances; and

Chapter 6 (Mechanical and Electrical Requirements), Section 605 (Electrical Equipment), 605.1 (Installation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Joseph testified as to the condition of the property and the notices provided to the property owner. There has been no contact with the property owner. She requested a continuance due to the fact that the mortgagee was mailed a copy of the notice on June 6, 2016 and needs time to respond.

Special Magistrate Branch granted a continuance for 30-days so that issues regarding proper notice may be examined by Legal Counsel. The case will be heard again on July 13, 2016.

7. CEB Case No.: 16-0241

Respondent: Cheryl Geno

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

Code Officer: Dena Joseph

First Notified: 03/25/2016

Compliance: No

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

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances: The owner of every lot, piece and parcel of land located within the city shall keep such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc) of the City of Port Orange Code of Ordinances: No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

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

(b) All fences shall be maintained in their original upright condition

(d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

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

Ms. Joseph testified as to the condition of the property and the notices provided to the property owner. The property owner is in non-compliance as of May 10, 2016. An Affidavit of Non-Compliance was submitted into evidence by Special Magistrate Branch, as well as the Cost Sheet. Costs in the amount of \$33.46 were awarded by Special Magistrate Branch, as well as a fine in the amount of \$250.00 per day beginning May 10, 2016 until corrected.

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

Respondent: Vicki L. Bassett

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

Code Officer: Scott Allman

First Notified: 03/11/2016

Compliance: No

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

Mr. Allman testified as to the condition of the property and the fact that the Finding of Fact, Conclusion of Law & Order was not entered nor recorded. He requested an extension as to the compliance date previously ordered. Special Magistrate Branch ordered compliance on or before June 20, 2016 and continued the Order Setting Fine/Lien to July 13, 2016.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 10:13 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 16-0450 (Continued from May 11, 2016)

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

Total: 42.30



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-0450

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

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

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

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **March 30, 2016** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

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

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

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by April 17, 2016 by applying for a change of grade permit and complying with the provisions as set forth in the permit.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the Special Magistrate on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate May 11, 2016 at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the Special Magistrate may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 6.95 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the Special Magistrate, during the hearing on May 11, 2016 enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on June 22, 2016, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 6th day of April, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

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

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1:10 PM

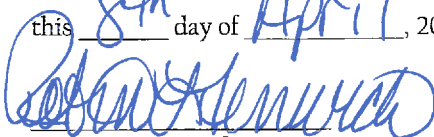
this 6th day of April, 2016.

Dena Joseph
Dena Joseph, Code Compliance Inspector

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

☒ Posted at City Hall

☒ Sent via certified and regular

this 8th day of April, 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.



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

Owner Name and Address

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

Legal Description

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

Sales History

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

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	17,309	109,459	0	126,768	126,768	126,553	0	126,768	0	126,553
2014	16,616	98,432	0	115,048	115,048	115,048	0	115,048	0	115,048

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	75.0	150.0	75.00	FRONT FEET	250.01	103	80	100	100	15,386
Neighborhood 5769 HARBOR OAKS UNIT 2 (6340-01)											
Total Land Classified											0
Total Land Just											15,386

Building Characteristics

Building Number: 171733 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
171733	Single Family	192	1997	300		10%	5%	20%	2999
Roof Type	HIP	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C		Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	C B STUCCO	1.0	1997	N	0%	0%	1710 Sq. Feet
002	Patio (PTO)	Non-Applicable	1.0	1997	N	0%	0%	192 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	1997	N	0%	0%	462 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1997	N	0%	0%	42 Sq. Feet

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

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

WARRANTY DEED

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

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

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

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

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to 2005, reservations, restrictions and easements of record, if any.

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

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

Signed, sealed and delivered in our presence:

Witness Signature: *[Signature]*

Printed Name: PAT BROWNING

[Signature]
PETER FOCHI

Witness Signature: *[Signature]*

Printed Name: HELEN FOCHI

Witness Signature: *[Signature]*

Printed Name: ANDREA M. BOSWELL

Witness Signature: _____

Printed Name: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

My Commission Expires: _____

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

SM
SOUTHERN TITLE

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the *SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

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

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

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

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

technical codes, shall be determined by the building official.

SECTION 105 PERMITS

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

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

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

105.1.3 Food permit. As per §500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

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

ARTICLE I: CLEARING AND GRADING

Section 1: Purpose and intent.

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

Section 2: Permit requirements for change of grade.

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

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



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-0798

To: Sonny M. Wilson &
Debora M. Wilson
Property Owners
4860 Spruce Creek Road
Port Orange, FL 32127

Re: 4860 Spruce Creek Road
Port Orange, FL 321227
Parcel ID: 6316-00-00-0081

LEGAL DESCRIPTION: 16 16 33 S 120 FT OF N 268.1 FT OF E 145 FT EXC 100% S/S RTS PER OR 4594 PG 4262

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **April 8, 2016** indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 27, 2016**.

Due May 28, 2016

Briefly stated, the property is in violation of the following:

1. City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage: Outside storage of new and used equipment and materials shall be regulated as follows.
 - 1) Residential Uses
 - (a) Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.
 - (b) Materials and equipment such as appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside. This prohibition shall not apply to licensed and operable motor vehicles, boats, recreational vehicles and other such vehicles which are merely being parked on-site. However, such vehicles shall be subject to other provisions of this code, such as those relating to driveways, which may regulate or restrict their location on site.
 - I observed a large amount of outside storage on the entire property. In order to correct the violation, all outside storage will need to be removed and properly stored in an enclosed building or behind an opaque fence. (If property owners choose to install a fence, a permit will need to be obtained through the City of Port Orange Building Department).

2. City of Port Orange Code of Ordinances, Chapter 70 (Traffic), Article II (Stopping, Standing or Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles):
- (c) Restrictions.
- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:
- a. Within a completely enclosed garage; or
- b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.
- (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
- I observed vehicles being stored in the back yard that are not currently registered and appear inoperable. In order to correct the violation, and if they are inoperable or unlicensed, they must be removed and properly stored in the front of the home on an approved driveway and either properly registered, stored in an enclosed building, or covered with approved car covers.
3. City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of lots generally-duty of owner), (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.
- I observed trash and debris on the property. In order to correct the violation, all trash and debris must be removed from the site.
4. City of Port Orange Code of Ordinances, Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-32 (Wrapping and preparation of garbage; keeping containers covered): All wet garbage matter shall be wrapped in paper before being placed in garbage cans. Containers shall first be drained of all liquids prior to being placed in garbage cans. All garbage cans shall be kept tightly covered at all times except when it becomes necessary to lift the covers to deposit garbage in the garbage can or empty such can in a garbage truck.
- I observed garbage trash and debris on site which is overflowing out of the waste cans and blowing into the yards of neighboring properties. In order to correct the violation, all trash cans must be placed by the road in trash containers with lids to keep the trash contained and from blowing all over the roadways.
5. 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), (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.
- I observed areas on the property where the grass/weeds exceed 10 inches as allowable by code. In order to correct the violation, property must be mowed and all high weeds trimmed.

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

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 on June 22, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 \$ 10,225.00 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 **June 22, 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 **Special Magistrate on July 27, 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 13th day of May, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Officer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Sonny M. Wilson & Debora M. Wilson, Property Owners, 4860 Spruce Creek Road, Port Orange, FL 32127**, was

☒ Hand-delivered

Recipient of hand delivered documents: Sonny Wilson - Owner

☐ Posted at the property

this 13th day of May, 2016.

Time: approx. 2:45 PM

Dena Joseph
Dena Joseph, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Sonny M. Wilson & Debora M. Wilson, Property Owners, 4860 Spruce Creek Road, Port Orange, FL 32127**, was

☒ Posted at City Hall

☐ Sent via certified and regular mail

this 17 day of May, 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: 6316-00-00-0081 **2016 Working Tax Roll** Last Updated: 05-08-2016

Owner Name and Address

Alternate Key	3640012	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6316-00-00-0081	Mill Group	402 Port Orange
Full Parcel ID	16-16-33-00-00-0081	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	WILSON SONNY M & DEBORA M		
Owner Name/Address 1			
Owner Address 2	4860 SPRUCE DREEK RD		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	4860 SPRUCE CREEK RD PORT ORANGE 32127		

Legal Description

16 16 33 S 120 FT OF N 268.1 FT OF E 145 FT EXC 100% S/S RTS PER OR 4594 PG 4262

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4594	4262	09/2000	Warranty Deed	Qualified Sale	Yes	63,500
4594	4258	09/2000	Quit Claim Deed	Affiliated Parties	Yes	10
4108	2272	05/1996	Quit Claim Deed	Affiliated Parties	Yes	10
3035	1207	09/1987	Warranty Deed	Qualified Sale	Yes	55,000
2438	1734	04/1983	Warranty Deed	Affiliated Parties	Yes	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	24,341	76,997	171	101,509	101,509	101,509	0	101,509	0	101,509
2014	23,367	69,200	514	93,081	93,081	93,081	0	93,081	0	93,081

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	111.0	101.0	111.00	FRONT FEET	260.01	88	100	100	100	25,315
Neighborhood 5769 HARBOR OAKS UNIT 2 (6340-01)											
Total Land Classified											0
Total Land Just											25,315

Building Characteristics

Building Number: 116430 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
116430	Single Family	107	1970	300		35%	0%	0%	2999
Roof Type	GABLE	Floors		Terrazzo Monol	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Plaster	X Fixture Bath	0	5 Fixture Bath		1
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	1	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	1	7 Fixture Bath		0
Foundation		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)	CONC OR CINDER BLOCK	1.0	1970	N	0%	0%	975 Sq. Feet
002	Finished Utility (FST)	CONC OR CINDER BLOCK	1.0	1970	N	0%	0%	96 Sq. Feet
004	Porch, Open Finished (FOP)	CONC OR CINDER BLOCK	1.0	1970	N	0%	0%	114 Sq. Feet
005	Res BASE Area (BAS)	CONC OR CINDER BLOCK	1.0	2007	N	0%	0%	803 Sq. Feet

149-P South Kingswood Avenue
P.O. Box 746
Daytona Beach, FL 32115
(904) 255-2100

RETURN TO:
OSSINSKY & GEORGE
500 N. OLEANDER AVENUE
DAYTONA BEACH, FL 32118

WARRANTY DEED

THIS WARRANTY DEED has been executed, on the date indicated below, by **ADELINE E. MADAY**, a widow and unremarried person, hereafter called the grantor, to **SONNY M. WILSON and DEBORA MOORE WILSON**, husband and wife, hereafter called the grantee, whose post office address is 4860 Spruce Creek Road, Port Orange, FL 32127.

(Wherever used herein, the terms "grantor" and "grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, that the said grantors, for and in consideration of the sum of **Ten (\$10.00) Dollars**, in hand paid by the said grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, and sell to the said grantee, the following described land, situated, lying, and being in Volusia County, Florida, to wit:

South 120 feet of the North 268.1 feet of the East 145 feet of
Section 16, Township 16 South, Range 33 East, Volusia County,
Florida.

Parcel No. 6316-00-00-0081

SUBJECT to all easements, restrictions and reservations of record,
if any.

The said party of the first part does hereby fully warrant the title to the said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the grantors signed this Warranty Deed on the date indicated next to the each grantor's signature.

Adeline E. Maday
Grantor: Adeline E. Maday

September 20, 2000
Date

Address: 131 Sea Isle Circle, South Daytona FL 32119

WITNESSES:

Janice P Boyd
Janice P Boyd
Printed Name of Witness

Natalie J. Boyd
Natalie J. Boyd
Printed Name of Witness

State of Florida
County of Volusia

Affirmed before me, on Sept 20, 2000, by ADELINE E. MADAY, a widow and unremarried person, who is personally known to me, or produced _____ as identification, and who personally appeared before me at the time of notarization, and acknowledged signing the foregoing document.

Janice P Boyd
Notary Public
Janice P Boyd

Section 1: - Accessory uses and structures.

(a) *In general.* Specific accessory uses and structures shall comply with the following regulations.

(b) *Principal use and/or principal structure required.* Accessory uses and structures shall:

- (1) Be customarily incidental to the principal use established on the same lot;
- (2) Be subordinate to and serve such principal use;
- (3) Be subordinate in area, extent and purpose to such principal use; and
- (4) Contribute to the comfort, convenience or necessity of users of such principal use.

No accessory structure or use shall be permitted on any lot which does not have an established principal use conforming to the requirements of this code. No accessory structure shall be permitted on any lot which does not have a permitted principal structure.

(c) *General provisions.*

- (1) Outdoor storage shall be prohibited, except as specifically permitted herein.
- (2) Signs, fences, walls, parking and loading areas, and other such features which are typically located within required yard areas shall comply with the applicable provisions of this code for such uses and structures.
- (3) Any specific accessory use or structure which is not addressed within this chapter shall not be located on any lot.

(d) *Size limitations.* Any residential accessory structure in a residential zoning district shall be required to comply with the following conditions:

- (1) The size of the accessory residential structure shall not cause the building coverage on the lot to exceed the maximum building coverage established for the zoning district;
- (2) In the event that this code does not establish a maximum building coverage for a zoning district, the maximum building coverage shall be based on the most similar zoning district, as determined by the administrative official;
- (3) The accessory residential structure shall not be located within any required yard, unless otherwise permitted by this chapter. Additionally, no accessory residential structure shall be permitted in the front yard, unless specifically permitted by this code;
- (4) No accessory residential structure shall be used as a guest house, apartment, or other residential quarters, unless otherwise permitted by this code; and
- (5) No accessory residential structure shall be used in any manner for a home occupation, except for the storage of customary homeowner tools and equipment.

(e) *Outside storage.* Outside storage of new and used equipment and materials shall be regulated as follows.

(1) *Residential uses.*

- (a) Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.

(b)

Materials and equipment such as appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside. This prohibition shall not apply to licensed and operable motor vehicles, boats, recreational vehicles and other such vehicles which are merely being parked on-site. However, such vehicles shall be subject to other provisions of this code, such as those relating to driveways, which may regulate or restrict their location on site.

- (2) *Office uses.* Outside storage of equipment or materials shall not be permitted for office uses.
- (3) *Commercial uses.* Outside storage of equipment and materials shall be permitted only when associated with a commercial use. Additional restrictions are specified below.
 - (a) Display of landscape or garden supplies, outdoor recreational equipment, and lawn equipment shall be located in designated areas approved for such display as part of a development plan.
 - (b) Display of new and used motor vehicles, boats, recreational vehicles, mobile homes and other such vehicles shall be located in designated areas approved for such display as part of a development plan.
 - (c) Storage of licensed and operable motor vehicles, boats, recreational vehicles, tractor trailers, storage trailers and other such vehicles shall be located in designated areas approved for such storage as part of a development plan and out of view from any abutting rights-of-way, private streets, waterways and residential uses. For sites without an approved development plan otherwise operating in compliance with this code, storage of such vehicles shall be located on a part of the site out of view from any abutting rights-of-way, private streets, waterways and residential uses.
 - (d) Display setups of products customarily used out of doors such as pools, spas, lawn furniture, concrete fixtures and other similar items shall be limited to one of any one product or model.
 - (e) Outdoor display and/or storage may be permitted in conjunction with special sales events such as those permitted under section 18-77, Code of Ordinances, and other uses when permitted by special exception or approved as part of a development plan.
 - (f) Licensed and inoperable motor vehicles awaiting repair may be stored within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers, provided that no such vehicle shall be stored for more than 28 consecutive days.
- (4) *Industrial uses.* Outside storage of equipment or materials shall be permitted for industrial uses, when in compliance with the following requirements.
 - (a) All storage areas shall be enclosed by an opaque wall, fence or landscaping of sufficient maturity, density and height to screen such areas from any public right-of-way or adjoining property.
 - (b) All equipment or materials shall be secured, if necessary, to withstand winds.
 - (c) Screening shall not be required around storage areas for operable motor vehicles and landscape materials.
 - (d) No licensed and inoperable motor vehicles shall be stored for a period exceeding 28 consecutive days within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers.

Sec. 70-49. - Restrictions on disabled or abandoned vehicles.

(a) *Findings of fact.*

- (1) Aesthetic views on residentially-zoned and agriculturally-zoned private property relate to the general welfare of the people of the city through the tendency to preserve or enhance the value of residentially-zoned and agriculturally-zoned private property.
- (2) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, is an unpleasant sight to a reasonable person with average sensibilities.
- (3) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, tends to depreciate the value of neighboring residentially-zoned and agriculturally-zoned private property, thereby injuring the general welfare of the people of the city.

(b) *Definitions.* The following words, terms and phrases, when used in this section or section 70-50, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Code inspector* shall be defined as provided in F.S. § 162.04.
- (2) *Disabled or abandoned vehicle* means a vehicle which:
 - a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;
 - b. Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;
 - c. Is unlicensed;
 - d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or
 - e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.
- (3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.
- (4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.
- (5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.
- (6) *Vehicle* shall be defined as provided in F.S. § 316.003.

(c) *Restrictions.*

- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned

private property unless such vehicle is:

- a. Within a completely enclosed garage; or
 - b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.
- (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
- (3) No person shall oppose, obstruct, or resist any code inspector or any person authorized by the code inspector in the discharge of duties or responsibilities provided in this section or section 70-50.
- (d) *Evidence.* In order to conclude that a vehicle is disabled or abandoned, the code inspector must determine that the vehicle has been disabled or abandoned for at least 15 consecutive calendar days, or that the vehicle violates any of the criteria contained in subsection (c)(1) or (c)(2) of this section.
- (e) *Responsibility for compliance.* The owner of the disabled or abandoned vehicle and the owner or occupant of the property on which such vehicle is located shall be jointly and individually responsible for compliance with the requirements of this section.

(Ord. No. 1998-23, § 1, 7-21-98)

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)

Sec. 56-32. - Wrapping and preparation of garbage; keeping containers covered.

All wet garbage matter shall be wrapped in paper before being placed in garbage cans. Containers shall first be drained of all liquids prior to being placed in garbage cans. All garbage cans shall be kept tightly covered at all times except when it becomes necessary to lift the covers to deposit garbage in the garbage can or empty such can in a garbage truck.

(Code 1981, § 10-26; Ord. No. 1992-5, § 8, 2-25-92)

Case Cost Sheet Log

Case No. 16-292

Name	Activity	Activity_Date	Status	Cost
Charles & Peggy Collins	Mailed Notice of Violation/Notice of Hearings to each Respondent at PO Box 768, Alpharetta, GA 30009 (regular & Certified)	05/10/2016	All mailings returned "not deliverable as addressed" but address matches VCPA	\$14.68
Clerk of Court	Recording fees - Finding of Fact, Conclusion of Law & Order	06/22/2016		\$27.00
Charles & Peggy Collins	Mail Finding of Fact/Conclusion of Law & Order to each Respondent at PO Box 768, Alpharetta, GA 30009 (regular & Certified)	06/22/2016		\$14.68

Total: 56.36



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-292

To:
Charles & Peggy Collins
PO Box 768
Alpharetta, GA 30009

Re: 5481 Pineland Ave.
Port Orange, FL 32127
Parcel ID: 6315-04-08-0110

LEGAL DESCRIPTION: LOT 11 BLK 8 COMMONWEALTH MOBILE ESTATES FIRST ADD MB 29 PG 47 PER OR 4843 PG
2088 PER OR 5461 PG 3459

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 4, 2016, indicates that certain violation(s) of the City of Port Orange Code exists. Resident was notified of the violations noted below and given three (3) days to correct. A reinspection of the property on April 22, 2016 and May 9, 2016, resulted in no compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 21, 2016**.

Briefly stated, the property is in violation of the following:

1. Code Violation Section(s) City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26(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.
 - I observed grass and weeds in excess of 12 inches. The entire property must be mowed and maintained and all high weeds and grass trimmed and edged from the sidewalk.
2. Code Violation Section(s) City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26(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.
 - I observed trash and debris on property. All trash and debris shall be removed and property kept free and clear of all garbage, waste, trash, debris and junk.
3. Code Violation Section(s) City of Port Orange Code of Ordinances, Article II, Section 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.
 - Unregistered vehicles, frames, car parts, and other items shall be removed from property or stored in an enclosed building.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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 June 22, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 \$ 14.68 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 **June 22, 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 27, 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) 506-5644.

DATED this 10th day of May, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Charles & Peggy Collins, PO Box 768, Alpharetta GA 30009, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property 5481 Pineland Ave., Port Orange, FL 32129

Time: approx. 2:45 pm

this 10th day of May, 2016.

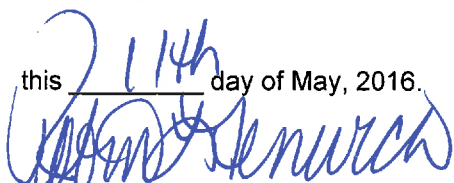


DEBORAH FAIRCLOTH

• ☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Charles & Peggy Collins, PO Box 768, Alpharetta, GA 30009, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 11th day of May, 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: 6315-04-08-0110 **2016 Working Tax Roll** Last Updated: 05-08-2016

Owner Name and Address

Alternate Key	3634519	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-04-08-0110	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-04-08-0110	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	COLLINS CHARLES & PEGGY		
Owner Name/Address 1			
Owner Address 2	PO BOX 768		
Owner Address 3	ALPHARETTA GA		
Owner Zip/Postal Code	30009		
Situs Address	5481 PINELAND AV PORT ORANGE 32127		

Legal Description

LOT 11 BLK 8 COMMONWEALTH MOBILE ESTATES FIRST ADD MB 29 PG 47 PER OR 4843 PG 2088 PER OR 5461 PG 3459

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5461	3459	12/2004	Warranty Deed	Qualified Sale	Yes	45,000
4843	2088	03/2002	Warranty Deed	Qualified Sale	Yes	35,000
1868	0627	11/1976	Warranty Deed	Qualified Sale	Yes	19,500

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	13,260	18,679	0	31,939	31,939	28,968	0	31,939	0	28,968
2014	13,260	18,035	0	31,295	31,295	26,335	0	31,295	0	26,335

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	51.0	100.0	51.00	FRONT FEET	260.00	100	100	100	100	13,260
Neighborhood 5773 COMMONWEALTH M-H EST MB 26-PG											
Total Land Classified											0
Total Land Just											13,260

Building Characteristics

Building Number: 201030 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
201030	Mobile Home	140	1992	200	Mobile Home	49%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	2	4 Fixture Bath		
Roof Cover	METAL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		
Heat Type2		Heat Source2			3 Fixture Bath	1	7 Fixture Bath		
Foundation	Wd Conc Piers	Year Remodeled			Fireplaces	0	A/C		

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	ALUMINUM SIDING	1.0	1992	N	0%	0%	784 Sq. Feet
004	Patio (PTO)	Non-Applicable	1.0	1970	N	0%	0%	420 Sq. Feet
005	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	2006	N	0%	0%	210 Sq. Feet
006	Unfinished Utility (UST)	Non-Applicable	1.0	2006	N	0%	0%	70 Sq. Feet
007	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	2006	N	0%	0%	70 Sq. Feet

12/23/2004 07:20 AM
Doc stamps 315.00
(Transfer Amt \$ 45000)
Instrument# 2004-323602
Book : 5461
Page : 3459

Prepared by
Mary Ralstin, an employee of
Associated Land Title Group, Inc.
733 Dunlawton Avenue, Suite 101
Port Orange, Florida 32127
(386) 761-7511

Return to: Grantee

File No.: 1019-681107

WARRANTY DEED

This indenture made on **December 21, 2004 A.D.**, by

Michelle Donley, a single woman

whose address is: **4318 S. Atlantic Ave., , FL 32127**
hereinafter called the "grantor", to

Charles Collins and Peggy Collins, husband and wife

whose address is: **P. O. Box 446, New Smyrna Beach, FL 32170**
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 11, Block 8, COMMONWEALTH MOBILE ESTATES, FIRST ADDITION, according to the plat thereof as recorded in Map Book 29, Page(s) 47, of the Public Records of Volusia County, Florida.

Parcel Identification Number: **6315-04-08-0110**

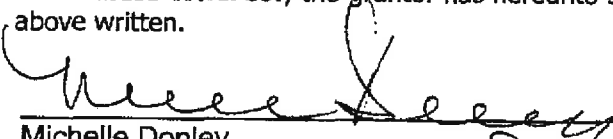
Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

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

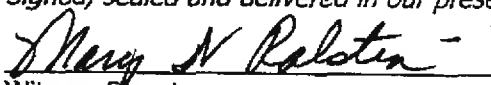
To Have and to Hold, the same in fee simple forever.

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 2004.

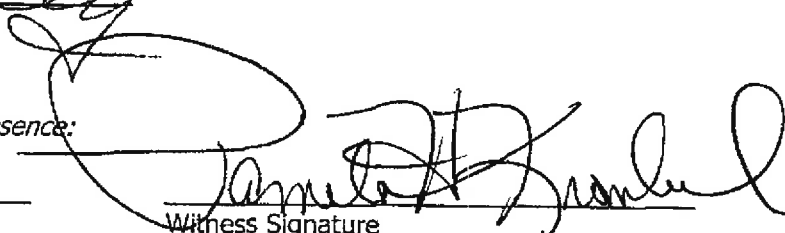
In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.


Michelle Donley

Signed, sealed and delivered in our presence:


Witness Signature

Print Name: MARY W. RALSTIN


Witness Signature

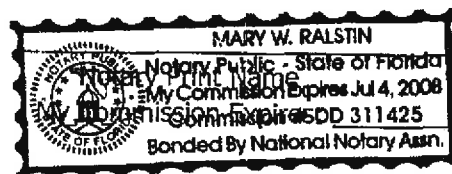
Print Name: Pamela H. Krombel

State of **Florida**

County of **Volusia**

The Foregoing Instrument Was Acknowledged before me on **December 21, 2004**, by **Michelle Donley, a single woman** who is/are personally known to me or who has/have produced a valid driver's license as identification.


NOTARY PUBLIC



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 shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental

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)

Case Cost Sheet Log

Case No. 16-326

Name	Activity	Activity_Date	Status	Cost
Shonn A. Isitt	Mail Notice of Violation/Notice of Hearings to Respondent at 1035 Geryl Way, Deland, FL 32724 (regular & certified)	05/12/2016	Green card returned, signed for on 5/14/16 by Shonn Isitt	\$7.34
Clerk of Court	Recording fees - Finding of Fact, Conclusion of Law & Order	06/22/2016		\$27.00
Shonn A. Isitt	Mail Finding of Fact, Conclusion of Law & Order (regular & certified)	06/22/2016		\$7.34

Total: 41.68



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-326

To: Shonn A. Isitt
1035 Geryl Way
Deland, FL 32724

Re: Oates Ave
Port Orange, FL 32127

Parcel ID: 6310-07-33-0130

LEGAL DESCRIPTION: LOTS 13 & 14 BLK 33 ALLANDALE MB 4 PG 146 PER OR 4692 PG 1420 PER OR 6410
PGS 0276-0277

Volusia County Public Records

Volusia County, FL

An inspection of the premises on March 10, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 7 days to correct. A re-inspection was done on May 9, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 25, 2016**.

Briefly stated, the property is in violation of the following:

1. City of port Orange Code of Ordinances, Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (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.
 - I observed high weeds and grass on the property. To correct the violation, the entire property needs to be mowed, maintained and all high weeds trimmed.
2. City of port Orange Code of Ordinances, Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (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.
 - I observed garbage and yard debris. To correct the violation, all garbage and yard debris must be removed from the property.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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 \$5,000.00 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 June 22, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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.

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 \$ 7.34 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 **June 22, 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 27, 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 11th day of MAY, 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 Shonn A. Isitt, 1035 Geryl Way, Deland, FL 32724, RE: Oates Ave, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 11th day of MAY, 2016.

Time: approx. 12:25 pm



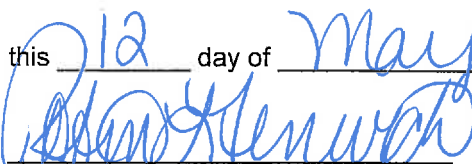
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Shonn A. Isitt, 1035 Geryl Way, Deland, FL 32724, RE: Oates Ave, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 12 day of May, 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.

6.42.



Volusia County Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.



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Parcel Information: 6310-07-33-0130 **2016 Working Tax Roll** Last Updated: 05-08-2016

Owner Name and Address

Alternate Key	3610881	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-33-0130	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-33-0130	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type		Ownership Percent	100
Owner Name	ISITT SHONN A		
Owner Name/Address 1			
Owner Address 2	1035 GERYL WAY		
Owner Address 3	DELAND FL		
Owner Zip/Postal Code	32724		
Situs Address	OATES AV PORT ORANGE 32127		

Legal Description

LOTS 13 & 14 BLK 33 ALLANDALE MB 4 PG 146 PER OR 4692 PG 1420 PER OR 6410 PGS 0276-0277

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6410 0276	10/2009	Quit Claim Deed	Unqualified Sale	No	100
4692 1420	05/2001	Warranty Deed	Qualified Sale	No	14,000
3803 0336	01/1993	Warranty Deed	Qualified Sale	No	12,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	17,490	0	0	17,490	17,490	15,972	0	17,490	0	15,972
2014	16,500	0	0	16,500	16,500	14,520	0	16,500	0	14,520

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	66.0	100.0	66.00	FRONT FEET	270.00	100	100	100	100	17,820
Neighborhood 5777 ALLANDALE MB 4 PG 146 MB17-16											
Total Land Classified											0
Total Land Just											17,820

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	17,820	New Construction Value	0
Building Value	0	City Econ Dev/Historic	0
Miscellaneous	0		
Just Value	17,820	Previous Just Value	17,490
School Assessed	17,820	Previous School Assessed	17,490
Non-School Assessed	17,569	Previous Non-School Assessed	15,972
Exemption Value	0	Previous Exemption Value	0
Additional Exemption Value	0	Previous Additional Exemption Value	0
School Taxable	17,820	Previous School Taxable	17,490
Non-School Taxable	17,569	Previous Non-School Taxable	15,972

Prepared By: Andrea Swanto Boswell, C.L.C.
SOUTHERN TITLE OF CENTRAL FLORIDA, LLC.
404 SEABREEZE BLVD.
DAYTONA BEACH, FL 32118
incidental to the issuance of a title insurance policy,
File Number: sb-01-4362
Parcel ID #: 6310-07-33-0130
Grantee(s) SS #:

06/01/2001 10:50
Doc stamps: 98.00
(Transfer Amt \$ 14000)
Instrument # 2001-109365
Book: 4692
Page: 1420
Diane M. Matousek
Volusia County, Clerk of Court

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated 05/24/2001

by

PATRICIA O. WETHERBY

whose post office address is:

7763 Oregano Court, Jacksonville, FL 32244

hereinafter called the GRANTOR, to

KARANINA HANCOCK and SHONN A. ISITT

whose post office address is:

5303 CHRISTINA AVENUE, PORT ORANGE, FL 32127 5786 South Ridgewood Avenue, #25, Port Orange
FL 32127

hereinafter called the GRANTEE:

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

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$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, viz:

LOTS 13 AND 14, BLOCK 33, MAP OF ALLANDALE, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 4, PAGE(S) 146 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Grantor hereby warrants that the property described in this instrument is not his constitutional homestead as provided by the Florida Constitution.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2001 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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 except as above noted, 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.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: Anne C. Davis

Print Name: Anne C. Davis

Signature: Patricia O. Wetherby
PATRICIA O. WETHERBY

Signature: Lorrie Blalock

Print Name: LORRIE BLALOCK

State of Florida
County of Volusia

I am a notary public of the state of Florida and my commission expires: THE

FOREGOING INSTRUMENT was acknowledged before me on May 24, 2001 by

PATRICIA O. WETHERBY

who is personally known to me or who has produced **DRIVERS LICENSE** as identification and who **DID NOT** take an oath.

Notary Seal

Signature: Lorrie Blalock

Print Name: Lorrie Blalock

Notary Public



Lorrie Blalock
MY COMMISSION # 0600789 EXPIRES
February 8, 2003
absent from TONY FARM INSURANCE, INC.

SOUTHERN TITLE

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)

Case Cost Sheet Log

Case No. 16-327

Name	Activity	Activity_Date	Status	Cost
Michelle J. Johnson	Mail Notice of Violation/Notice of Hearing to 911 Tall Pine Drive, Port Orange, FL 32127 (regular & certified)	05/12/2016	Nothing returned as of June 17, 2016	\$7.34
Clerk of Court	Recording fees - Finding of Fact, Conclusion of Law & Order	06/22/2016		\$27.00
Allan & Michelle J. Johnson	Mail Finding of Fact, Conclusion of Law & Order to each Respondent at 911 Tall Pine Drive, Port Orange, FL 32127 (regular & certified)	06/22/2016		\$14.68

Total: 49.02



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-327

To: Allan & Michelle J. Johnson
911 Tall Pine Dr
Port Orange, FL 32127

Re: 911 Tall Pine Dr
Port Orange, FL 32127
Parcel ID: 6316-03-02-0020

LEGAL DESCRIPTION: LOT 2 BLK 2 DEEP FOREST VILLAGE MB 33 PGS 98-100 INC PER OR 4437 PG 2048 PER
OR 5884 PG 3278

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 10, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 3 days to correct. A re-inspection was done on March 23, 2016 and May 10, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 25, 2016**.

Briefly stated, the property is in violation of the following:

1. City of Port Orange Code of Ordinances, Article II, Section 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.
 - I observed various items being stored in front of the home and on the front porch. To correct this violation, all items being stored outside must be removed or stored in an enclosed building.
2. City of Port Orange Land development Code, Chapter 16 (Miscellaneous Regulations), Section 2 (Home Occupations), (d) Restrictions, (2) The use of the dwelling for a home occupation shall be clearly incidental and subordinate to its residential use, and there shall be no change in the appearance of the dwelling or outside evidence of nonresidential use, except for a maximum one square foot non-illuminated wall sign located adjacent to the main entrance of the structure & (8) There shall be no storage of equipment or supplies associated with the home occupation outside the dwelling.
 - I observed pool equipment and supplies being stored in front of the home. To correct the violation, all pool equipment and supplies must be removed from in front of the home and the driveway area. These items cannot not be stored outside the dwelling.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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 June 22, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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, 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 \$ 7,34 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 **June 22, 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 27, 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 11th day of MAY, 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 Allan & Michelle J. Johnson, 911 Tall Pine Dr, Port Orange, FL 32127, was

☒ Hand-delivered

Recipient of hand delivered documents:

Allan Johnson

☐ Posted at the property

this 11th day of May, 2016.

Time: approx. 12:07 pm

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 Allan & Michelle J. Johnson, 911 Tall Pine Dr, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

to
Michelle Johnson
only

this 12 day of May, 2016.

Robert J. Kneuch

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: 6316-03-02-0020 **2016 Working Tax Roll** Last Updated: 05-08-2016

Owner Name and Address

Alternate Key	3642112	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6316-03-02-0020	Mill Group	402 Port Orange
Full Parcel ID	16-16-33-03-02-0020	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	JOHNSON J MICHELLE & ALLAN		
Owner Name/Address 1			
Owner Address 2	911 TALL PINE DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	911 TALL PINE DR PORT ORANGE 32127		

Legal Description
 LOT 2 BLK 2 DEEP FOREST VILLAGE MB 33 PGS 98-100 INC PER OR 4437 PG 2048 PER OR 5884 PG 3278

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5884 3278	06/2006	Quit Claim Deed	Unqualified Sale	Yes	100
4437 2048	05/1999	Warranty Deed	Qualified Sale	Yes	98,000
4315 0310	06/1998	Unknown	Unqualified Sale	Yes	92,000
4315 0312	06/1998	Warranty Deed	Unqualified Sale	Yes	10
2183 0562	07/1980	Warranty Deed	Qualified Sale	Yes	70,000
1987 1809	06/1978	Warranty Deed	Qualified Sale	Yes	8,300

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	19,724	111,266	90	131,080	110,254	110,254	25,000	85,254	25,000	60,254
2014	19,724	94,327	566	114,617	109,379	109,379	25,000	84,379	25,000	59,379

[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	91.0	107.0	91.00	FRONT FEET	229.99	94	100	100	100	19,724
Neighborhood 5744 DEEP FOREST VILLAGE SUB MB33											0
Total Land Classified											0
Total Land Just											19,724

Building Characteristics
 Building Number: 116628 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
116628	Single Family	222	1978	325		26%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	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	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation		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	1978	N	0%	0%	1809 Sq. Feet
002	Porch, Screen Unfinished (USP)	CONC OR CINDER BLOCK	1.0	1997	N	0%	0%	198 Sq. Feet
003	Porch, Screen Unfinished (USP)	CONC OR CINDER BLOCK	1.0	1978	N	0%	0%	144 Sq. Feet
004	Porch, Open Finished (FOP)	CONC OR CINDER BLOCK	1.0	1978	N	0%	0%	120 Sq. Feet
005	Finished Garage (FGR)	Non-Applicable	1.0	1978	N	0%	0%	650 Sq. Feet

Record and Return To:
Prepared by:
Elizabeth Berger
GMN Title Corporation
2699 Lee Road, Suite 410, Winter Park, Florida 32789
Parcel ID No: 16-16-33-03-02-0020

Quit Claim Deed

Made this June 29, 2006 A.D. by **J. Michelle Johnson f/k/a Michelle Penny, a married woman joined by her spouse Allan Johnson**, hereinafter called the grantor, to **J. Michelle Johnson and Allan Johnson, wife and husband** whose post office address is: **911 Tall Pine Drive, Port Orange, Florida 32127** hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal re-presentatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of \$ TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in Volusia County, Florida, viz:

Lot 2, Block 2, DEEP FOREST VILLAGE SUBDIVISION, according to the plat thereof, recorded in Map Book 33, Page(s) 98 through 100, inclusive of the Public Records of Volusia County, Florida.

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

To Have and to Hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

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

Signed, sealed and delivered in our presence:

Witness
Name

Reid Seemann

Printed

J. Michelle Johnson f/k/a Michelle Penny
Address: 911 Tall Pine Drive, Port Orange, FL 32127

(Seal)

Witness
Name

Elizabeth Berger

Printed

Allan Johnson
Address: 911 Tall Pine Drive, Port Orange, FL 32127

(Seal)

Witness
Name

Printed

Address:

(Seal)

Witness
Name

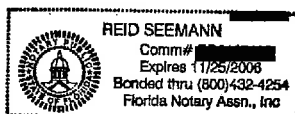
Printed

Address:

(Seal)

State of Florida
County of Orange

The foregoing instrument was acknowledged before me this 29th day, of June, 2006, by **J. Michelle Johnson f/k/a Michelle Penny, a married woman joined by her spouse Allan Johnson**, who is personally known to me or who has produced **FWL** as identification.



Notary Public

Print Name:

My Commission Expires:

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: - Home occupations.

(a) *Intent.* The purpose of this section is to accomplish the following:

- (1) Permit residents of the city a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
- (2) Protect residential areas from adverse impacts of activities associated with home occupations.
- (3) Establish criteria and development standards for home occupations conducted in residential uses.

(b) *Permitted home occupations.*

- (1) Office uses: Professional and business office activities that do not involve clients, customers or employees visiting the premises. Examples shall include but not be limited to, administrative offices for off-site commercial or industrial businesses; offices for businesses that provide off-site services to customers, such as bookkeepers or accountants; or professional offices for which meetings or appointments with clients are held off-site.
- (2) Off-site sales of customary hobby crafts produced at hobbyist volumes in the home by family members. Such hobby crafts may include, but are not limited to, needlework, woodwork, or visual artwork.
- (3) Off-site provision of services to other homeowners that does not involve the use of tools or machinery in size or numbers beyond that customarily found in a residence of that size.

(c) *Prohibited home occupations.*

- (1) Motor vehicle and boat repair.
- (2) Beauty and barber shops.
- (3) Child care center or nursery school (except for those specifically permitted by the State of Florida Department of Health and Rehabilitative Services).
- (4) Amplified musical instrument instruction.
- (5) Dance and nonamplified musical instrument instruction (except private tutoring of no more than one student per session and limited to no more than four sessions per day).
- (6) Photography studio.
- (7) Real estate sales and brokerage.
- (8) Retail sales (except garage sales).
- (9) Painting of vehicles, trailers or boats.
- (10) Upholstering.
- (11) Welding.
- (12) Taxidermy.
- (13) Cultivation, processing or dispensing of marijuana or marijuana-based products.
- (14) Any use not specifically permitted by chapter 16, section 2(b) above.

(d) *Restrictions.* Home occupations are permitted accessory uses in all residential zones and subject to the following restrictions.

- (1) No persons other than members of the family residing on the premises shall be engaged in the home occupation.

- (2) The use of the dwelling for a home occupation shall be clearly incidental and subordinate to its residential use, and there shall be no change in the appearance of the dwelling or outside evidence of nonresidential use, except for a maximum one square foot nonilluminated wall sign located adjacent to the main entrance of the structure.
- (3) Any business that involves storage, processes, employees, equipment or any other activity not permitted by this section shall provide proof of a properly zoned and licensed business location housing those activities. The said nonpermitted storage, processes, employees, equipment or other activity shall not be permitted at the location of the home occupation.
- (4) No home occupation shall occupy more than 20 percent of the air conditioned first floor area of the residence. New construction of additional air conditioned floor space shall not be eligible for this definition for two years after its completion according to the date of the certificate of occupancy. No accessory structure shall be used as part of a home occupation, except for the storage of customary homeowner tools and equipment at normal levels typically found in a typical home.
- (5) There shall be no display of products visible in any manner from the outside of the dwelling.
- (6) No advertising shall carry the residential address of the home occupation.
- (7) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
- (8) There shall be no storage of equipment or supplies associated with the home occupation outside the dwelling.
- (9) No home occupation shall generate traffic on a regular basis greater than that customarily generated by the type of residence involved.
- (10) No equipment or process shall be used in a home occupation which creates excessive noise, vibration, glare, fumes, or odor detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing in the neighborhood.
- (11) No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the customary average for similar type residences within the city.
- (12) Home occupations shall be subject to other limitations as provided in this code and all other applicable ordinances and regulations.

(Ord. No. 1993-58, 1-18-94; Ord. No. 2003-6, §§ 2—5, 4-22-03; Ord. No. 2015-34, § 3, 10-6-15)



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-599

To:
Diane L. Crouter
163 Sand Pebble Cir
Port Orange, FL 32129

Re: 163 Sand Pebble Cir
Port Orange, FL 32129
Parcel ID: 6305-03-00-0330
LEGAL DESCRIPTION: LOT 33 BAREFOOT PARK MB 31 PG 62 PER OR 2953 PG 1722

Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 6, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 7 days to correct. A re-inspection was done on April 26, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **May 22, 2016**.

Briefly stated, the property is in violation of the following:

1. Chapter 42 Nuisances, Article 2 Garbage Junk and Undergrowth, Section 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.
- I observed a large amount of outside storage on the property in the carport area. To correct this violation; All outside storage needs to be properly stored in an enclosed building, removed, or properly screened.

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

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 June 22, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 \$ 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 **June 22, 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 27, 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) 506-5616.

DATED this 12th day of May, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Diane L Crouter 163 Sand Pebble Cir Port Orange, FL 32129, was

☒ Hand-delivered

Recipient of hand delivered documents: Tammy Hearn

☐ Posted at the property

this 12th day of May, 2016.

Time: approx. 1:55pm

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Diane L Crouter 163 Sand Pebble Cir Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 13 day of May, 2016.

Robert H. Hearn
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: 6305-03-00-0330 2016 Working Tax Roll Last Updated: 04-24-2016

Owner Name and Address

Alternate Key	3584317	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-0330	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-0330	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	CROUTER DIANE L		
Owner Name/Address 1			
Owner Address 2	163 SANDPEBBLE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32119-3627		
Situs Address	163 SAND PEBBLE CIR PORT ORANGE 32129		

Legal Description
LOT 33 BAREFOOT PARK MB 31 PG 62 PER OR 2953 PG 1722

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
3028 0707	03/1987	Warranty Deed	Unqualified Sale	Yes	100
2953 1722	03/1987	Warranty Deed	Qualified Sale	Yes	32,000
2800 1040	03/1986	Warranty Deed	Qualified Sale	Yes	30,000
2108 1746	09/1979	Warranty Deed	Qualified Sale	Yes	7,000
1722 0891	05/1974	Warranty Deed	Qualified Sale	Yes	7,320

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	19,750	17,532	171	37,453	28,278	28,278	25,000	3,278	0	3,278
2014	19,750	18,376	418	38,544	28,054	28,054	25,000	3,054	0	3,054

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	62.0	115.0	1.00	LOT	19750.00	100	100	100	100	19,750
Neighborhood 5984 BAREFOOT PARK M-H MB 31 PG 62											
Total Land Classified											0
Total Land Just											19,750

Building Characteristics

Building Number: 111450 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111450	Mobile Home	128	1974	250	Mobile Home	71%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet		Bedrooms	2	4 Fixture Bath		0
Roof Cover	METAL	Wall Type	Plywood Panel		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	Wd Conc Piers	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)	VINYL SIDING	1.0	1974	N	0%	0%	960 Sq. Feet	
002	Carport, Unfinished (UCP)	Non-Applicable	1.0	1974	N	0%	0%	432 Sq. Feet	
003	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1974	N	0%	0%	150 Sq. Feet	

WARRANTY DEED
INDIVID. TO INDIVID.

This Warranty Deed Made the 19 day of MARCH, A. D. 1987 by
ROBERT ALEXANDER THOMPSON, a single man

113958

hereinafter called the grantor, to

DIANE L. CROUTER

whose postoffice address is 163 Sandpebble, Port Orange, Fla. 32019
hereinafter called the grantee:

FILED FOR RECORD
RECORD VERIFIED

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this document, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

MAR 31 3 31 PM '87

Witnesseth: That the grantor, for and in consideration of the sum of \$10,000 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, releases, releases, conveys and confirms unto the grantee, all that certain land situated in Volusia County, Florida, viz:

CLERK OF CIRCUIT COURT
VOLUSIA COUNTY, FLORIDA

Lot 33, BAREFOOT PARK MOBILE HOME SUBDIVISION, according to the plat thereof as recorded in Map Book 31, Page 62, of the Public Records of Volusia County, Florida.

Subject to Mortgage held by E. LAURA PHELPS, dated March 25, 1986, recorded in Official Records Book 2800, Page 1041, of the Public Records of Volusia County, Florida, the remaining unpaid principal balance of which is: \$18,836.38, which mortgage the Grantees herein, by acceptance hereof, do hereby assume and agree to pay.

Subject to all valid restrictions, reservations and easements of record.

BOOK PAGE
VOLUSIA COUNTY
FLORIDA
30280707

THIS DEED IS BEING RE-RECORDED BECAUSE OF CHANGE IN CRANTOR'S ADDRESS

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 unknown; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1986.

REC. FEE \$ 5.00 REC'D PAYMENT AS
DOC ST \$ 10.00 INDICATED FOR CLERK
INT TAX \$.00 "C" INTANGIBLE & COR
SER CHG \$.00 STAMP TAXES: NONE
REFUND \$.00

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

Signed, sealed and delivered in my presence:

[Signature] *[Signature]*
ROBERT ALEXANDER THOMPSON

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared
ROBERT ALEXANDER THOMPSON, a single man

to me known to be the person described in and who executed the foregoing instrument and he acknowledged to me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 19 day of March, A. D. 1987

[Signature]
Notary Public, State of Florida
My Commission Expires Mar. 16, 1988
Exceeds Two Year Term Commission, Not

SPACE BELOW FOR RECORDING USE
FILED FOR RECORD
RECORD VERIFIED
MAR 22 11 30 AM '87
035802

035802

113958

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)



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-600

To:
Robert Colavita Sr.
127 Sand Pebble Circle
Port Orange, FL 32129

Re: 127 Sand Pebble Circle
Port Orange, FL 32129
Parcel ID: 6305-03-00-0140

LEGAL DESCRIPTION: LOT 14 BAREFOOT PK REPLAT MB 31 PG 103 PER OR 2081 PG 0612 PER OR 6663 PG 0777 PER OR 6664 PG 4011 & PER OR 6664 PG 4012 & PER OR 6664 PG 4013 & PER OR 6664 PG 4014 & PER OR 6664 PG 4015 & PER OR 6664 PG 4016 & PER OR 6664 PG 4017 & PER OR 6664 PG 4018 & PER OR 6664 PG 4019 & PER OR 6664 PG 4020 & PER OR 6664 PG 4021 & PER OR 6664 PG 4022 & PER OR 6664 PG 4023 & PER OR 6664 PG 4024 & PER OR 6664 PG 4025 PER OR 6670 PG 0759 & PER OR 6670 PG 0760

Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 6, 2016, indicates that certain violation(s) of the City of Port Orange Code exists. *AS*

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **May 21, 2016**. *22*

Briefly stated, the property is in violation of the following:

1. Chapter 42 Nuisances, Article 2 Garbage Junk and Undergrowth, Section 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.
- I observed a large amount of pallets and two dressers stored on the property in the carport area. I notified the property owner to remove the pallets and dressers within one week as it is outside storage. A re-inspection was completed on April 26, 2016, resulting in non-compliance. To correct this violation; All of the pallets and furniture must be removed or placed in an enclosed building.

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

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 June 22, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 \$ 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 **June 22, 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 27, 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) 506-5616.

DATED this 12th day of May, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert Colavita Sr. 127 Sand Pebble Circle Port Orange, FL 32129, was

☒ Hand-delivered

Recipient of hand delivered documents: Robert Colavita Sr.

☐ Posted at the property

this 12th day of May, 2016.

Time: approx. 1:50 pm

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert Colavita Sr. 127 Sand Pebble Circle Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 13 day of May, 2016.

Robert Henrich
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: 6305-03-00-0140 2016 Working Tax Roll Last Updated: 04-24-2016

Owner Name and Address

Alternate Key	3584147	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-0140	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-0140	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	COLAVITA ROBERT SR		
Owner Name/Address 1			
Owner Address 2	127 SAND PEBBLE CIR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	127 SAND PEBBLE CIR PORT ORANGE 32129		

Legal Description

LOT 14 BAREFOOT PK REPLAT MB 31 PG 103 PER OR 2081 PG 0612 PER OR 6663 PG 0777 PER OR 6664 PG 4011 & PER OR 6664 PG 4012 & PER OR 6664 PG 4013 & PER OR 6664 PG 4014 & PER OR 6664 PG 4015 & PER OR 6664 PG 4016 & PER OR 6664 PG 4017 & PER OR 6664 PG 4018 & PER OR 6664 PG 4019 & PER OR 6664 PG 4020 & PER OR 6664 PG 4021 & PER OR 6664 PG 4022 & PER OR 6664 PG 4023 & PER OR 6664 PG 4024 & PER OR 6664 PG 4025 PER OR 6670 PG 0759 & PER OR 6670 PG 0760

Sales History 2016 Working Tax Roll

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6670 0760	01/2012	Warranty Deed	Unqualified Sale	Yes	100
6670 0759	01/2012	Warranty Deed	Unqualified Sale	Yes	100
6664 4012	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4013	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4014	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4015	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4016	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4017	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4018	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4019	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4020	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4021	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4022	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4023	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4024	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4011	12/2011	Warranty Deed	Unqualified Sale	Yes	100
6664 4025	12/2011	Personal Rep.	Qualified Sale	Yes	40,000
6663 0777	12/2011	Personal Rep.	Unqualified Sale	Yes	100
2081 0611	01/1979	Warranty Deed	Qualified Sale	Yes	5,900
2081 0612	01/1979	Warranty Deed	Qualified Sale	Yes	10,000

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	19,750	27,738	836	48,324	37,026	37,026	25,500	11,526	0	11,526
2014	19,750	27,461	2,846	50,057	36,732	36,732	25,500	11,232	0	11,232

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	76.0	127.0	1.00	LOT	19750.00	100	100	100	100	19,750

Prepared By: Sue Anne Day
Professional Title Agency, Inc.
747 South Ridgewood Avenue, Suite 204
Daytona Beach, Florida 32114
incidental to the issuance of a title insurance policy.
File Number: P-18373
Parcel ID# 6305-03-00-0140

01/13/2012 02:48 PM
Doc stamps .70
(Transfer Amt \$ 10)
Instrument# 2012-006561 # 1
Book: 6670
Page: 760
Diane M. Matousek
Volusia County, Clerk of Court

**CORRECTIVE WARRANTY DEED
(INDIVIDUAL)**

This **WARRANTY DEED**, dated January 10, 2012 by
Gabrielle Frazier, as Heir to the Estate of John Frazier
Whose post office address is: 508 Lady Diana Drive, Davenport, FL 33837
hereinafter called the GRANTOR, to
Robert Colavita, Sr., a Single Person
whose post office address is: 127 Sand Pebble Circle, Port Orange, Florida 32129
hereinafter called the GRANTEE:

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

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$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, viz:

Lot 14, A Replat of Barefoot Park Mobile Home Subdivision, according to the map or plat thereof, as recorded in Plat Book 31, Page(s) 103, of the Public Records of Volusia County, Florida.

Also included 1979 Cape Mobile Homes, VIN #FAM120A1295612A and GAM120A1295612B under Title Numbers 16633660 and [REDACTED]

The above described property does not constitute the homestead property of Gabrielle Frazier, who resides elsewhere.

This Corrective Deed is being recorded to correct Grantor's name in the Warranty Deed that was recorded on December 27, 2011 in Book 6664, Page 4014, Public Records of Volusia County.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2011 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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 except as above noted, 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.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Witness #1 Signature: Sue Anne Day

Witness #1 Print Name: **SUE ANNE DAY**

Witness #2 Signature: Connie E. Davis

Witness #2 Print Name:

Connie E. Davis

Gabrielle Frazier by Robert Frazier
as power of Attorney
Gabrielle Frazier by Robert Frazier,
as Power of Attorney

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)



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-451

To:
Jeffrey A & Kristine Rundall
1102 Southland Ct
Port Orange, FL 32129

Re: 1102 Southland Ct
Port Orange, FL 32129
Parcel ID: 6306-03-03-0030

LEGAL DESCRIPTION: LOT 3 & E 1/2 OF LOT 2 BLK C SOUTHWINDS PUD PHASE I MB 38 PG 72 TO 75 INCL PER OR 4711 PG 4438

Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 6, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 7 days to correct. A re-inspection was done on April 26, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **May 22, 2016**.

Briefly stated, the property is in violation of the following:

1. Chapter 42 Nuisances, Article 2 Garbage Junk and Undergrowth, Section 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.
- I observed a large amount of outside storage in the front of the home. To correct this violation; All outside storage needs to be properly stored in an enclosed building or removed.

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 **May 22, 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 June 22, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 \$ 14.68 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.

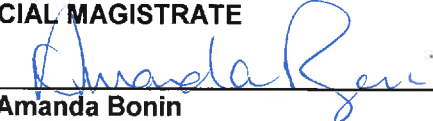
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **June 22, 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 27, 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) 506-5616.

DATED this 12th day of May, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jeffrey A & Kristine Rundall 1102 Southland Ct Port Orange, FL 32129, was

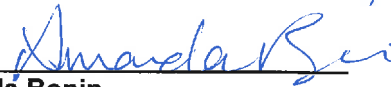
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 12th day of May, 2016.

Time: approx. 2:30pm


Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jeffrey A & Kristine Rundall 1102 Southland Ct Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 13 day of May, 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: 6306-03-03-0030 2016 Working Tax Roll Last Updated: 04-24-2016

Owner Name and Address

Alternate Key	3590716	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6306-03-03-0030	Mill Group	402 Port Orange
Full Parcel ID	06-16-33-03-0030	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	RUNDALL JEFFREY A & KRISTINE		
Owner Name/Address 1			
Owner Address 2	1102 SOUTHLAND CT		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	1102 SOUTHLAND CT PORT ORANGE 32129		

Legal Description

LOT 3 & E 1/2 OF LOT 2 BLK C SOUTHWINDS PUD PHASE I MB 38 PG 72 TO 75 INCL PER OR 4711 PG 4438

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4711 4438	07/2001	Warranty Deed	Multi parcel sale	Yes	14,000
2823 0254	05/1986	Warranty Deed	Multi parcel sale	No	100
2823 0255	05/1986	Warranty Deed	Multi parcel sale	No	18,000
2638 1366	12/1984	Warranty Deed	Multi parcel sale	No	601,200
2407 0763	12/1982	Warranty Deed	Multi parcel sale	No	151,500

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	12,450	101,850	0	114,300	95,075	95,075	25,000	70,075	25,000	45,075
2014	12,450	87,244	0	99,694	94,320	94,320	25,000	69,320	25,000	44,320

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0108	IMP ATCHD UT SEP OWNED	0.0	0.0	1.50	LOT	8300.00	100	100	100	100	12,450
Neighborhood 5979 SOUTHWIND PUD PH I (M-F SP LV)											
Total Land Classified											0
Total Land Just											12,450

Building Characteristics

Building Number: 112048 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
112048	Two Family	164	2001	300		8%	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	2001	N	0%	0%	1489 Sq. Feet	
002	Patio (PTO)	Non-Applicable	1.0	2001	N	0%	0%	200 Sq. Feet	
004	Finished Garage (FGR)	Non-Applicable	1.0	2001	N	0%	0%	330 Sq. Feet	

This Warranty Deed

Made this 6th day of July A.D. 2001
by Billy V. Almond, a married man

07/11/2001 09:01
Doc stamps 98.00
(Transfer Amt \$ 14000)
Instrument # 2001-141023
Book: 4711
Page: 4438
Diane M. Matousek
Volusia County, Clerk of Court

hereinafter called the grantor, to
Jeffrey A. Rundall and Kristine Rundall,
husband and wife

whose post office address is:
P.O. Box 290152
Port Orange, Florida 32129-0152
Grantees' Tax Id # :

hereinafter called the grantee:

(Whenever used herein the term "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)

Witnesseth, that the grantor, for and in consideration of the sum of \$ 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, viz:

Lots 1 and 3, Block "C", Southwinds PUD, Phase I, according to
the map or plat thereof, as recorded in Map Book 38, pages 72
through 75, of the Public Records of Volusia County, Florida.

SUBJECT TO taxes for the current year, any and all easements,
restrictions, and reservations of record, if any, the mention of
which shall not serve to reimpose the same and all zoning ordinances
affecting said property.

The above described real property is vacant land and therefore not the homestead
of grantor herein.

Parcel Identification Number: 6306-03-03-0010/0030

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, 2000

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

Signed, sealed and delivered in our presence:

Name: Barbara S. Meegan

Name & Address: Billy V. Almond LS

Name: Lisa M. Demint

Name & Address: _____ LS

Name: _____

Name & Address: _____ LS

Name: _____

Name & Address: _____ LS

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 6th day of July, 2001, by

Billy V. Almond, a married man

who is personally known to me or who has produced drivers license as identification.

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)



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-582

To:
Linda A Kellar
128 Barefoot Tr
Port Orange, FL 32129

Re: 128 Barefoot Tr
Port Orange, FL 32129
Parcel ID: 6305-03-00-1140

LEGAL DESCRIPTION: LOT 114 BAREFOOT PARK MB 31 PG 62 PER OR 5059 PG 1911

Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 6, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 5 days to correct. A re-inspection was done on April 26, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **May 22, 2016**.

Briefly stated, the property is in violation of the following:

1. Chapter 42 Nuisances, Article 2 Garbage Junk and Undergrowth, Section 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.
- I observed a large cable reel stored on the property in the front yard. To correct this violation; the cable reel must be either removed, placed in an enclosed building, or placed behind an opaque fence.

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

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 June 22, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 \$ 7.34 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.

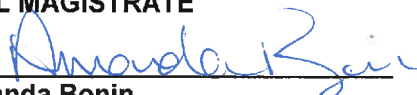
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **June 22, 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 27, 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) 506-5616.

DATED this 12th day of May, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Linda A Kellar 128 Barefoot Tr Port Orange, FL 32129, was

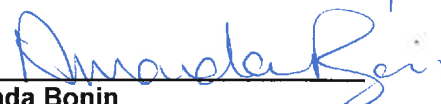
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 12th day of May, 2016.

Time: approx. 2:05 pm

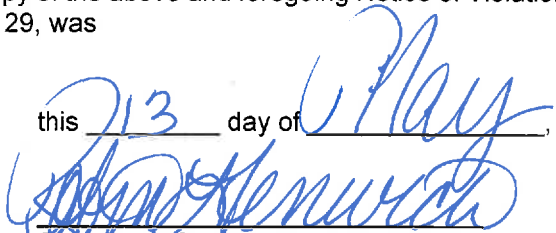

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Linda A Kellar 128 Barefoot Tr Port Orange, FL 32129, was

☐ Posted at City Hall

☒ Sent via certified and regular

this 13 day of May, 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 D. Gilreath Jr.
M.A., C.F.A.



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Parcel Information: 6305-03-00-1140 2016 Working Tax Roll Last Updated: 04-24-2016

Owner Name and Address

Alternate Key	3585127	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-1140	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-1140	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	KELLAR LINDA A		
Owner Name/Address 1			
Owner Address 2	128 BAREFOOT TRAIL		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	128 BAREFOOT TR PORT ORANGE 32129		

Legal Description
LOT 114 BAREFOOT PARK MB 31 PG 62 PER OR 5059 PG 1911

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5059	1911	04/2003	Warranty Deed	Qualified Sale	Yes	61,000
3103	1633	02/1988	Warranty Deed	Qualified Sale	Yes	36,500
2379	1580	08/1982	Warranty Deed	Unqualified Sale	Yes	100
1838	1134	05/1976	Warranty Deed	Qualified Sale	Yes	8,600

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	19,750	21,203	273	41,226	29,125	29,125	25,000	4,125	0	4,125
2014	19,750	18,412	1,233	39,395	28,894	28,894	25,000	3,894	0	3,894

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	62.0	113.0	1.00	LOT	.19750.00	100	100	100	100	19,750

Neighborhood 5984 BAREFOOT PARK M-H MB 31 PG 62

Total Land Classified 0
Total Land Just 19,750

Building Characteristics

Building Number: 111530 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111530	Mobile Home	126	1974	250	Mobile Home	65%	0%	0%	2999

Roof Type	GABLE	Floors	Carpet	Bedrooms	3	4 Fixture Bath	0
Roof Cover	METAL	Wall Type	Plywood Panel	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	Wd Conc Piers	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)	ALUMINUM SIDING	1.0	1974	N	0%	0%	920 Sq. Feet
002	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1974	N	0%	0%	218 Sq. Feet
003	Unfinished Utility (UST)	Non-Applicable	1.0	1974	N	0%	0%	35 Sq. Feet
004	Vinyl Enclosed Porch (VEP)	Non-Applicable	1.0	1974	N	0%	0%	190 Sq. Feet

Title Insurance Corporation Inc.

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)



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-438

To:

Mitchell J Scala JTRS

1353 Dexter Dr

Port Orange 32129

Re: 1353 E. Dexter Drive

Port Orange, FL 32129

Parcel ID: 6307-07-00-0010

LEGAL DESCRIPTION: LOT 1 HIDDEN LAKE SUB PHASE I MB 37 PGS 121-122 INC PER OR 2593 PG 1318 PER OR 6450 PG 4070 PER OR 6498 PGS 4126-4127

Volusia County Public Records

Volusia County, FL

An inspection of the premises on March 25, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 5 days to correct. A re-inspection was done on March 31, 2016, and May 12, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 22, 2016**.

Briefly stated, the property is in violation of the following:

1. Land Development Code Chapter 9 Environmental Protection, Article 2 Tree Preservation, Section 10 (a): It is hereby unlawful for any person to cut down, move, remove or destroy through damaging or to authorize the same, of any tree or natural vegetation referenced in this article without obtaining a tree removal permit in accordance with the provisions of this article.
 - I observed tree stumps in the yard where the trees were recently removed. I spoke with the owner who admitted to removing the trees and informed him that a permit is required. To comply; a tree removal permit needs to be applied and paid for. If any tree replacements are required as a condition with the tree removal permit, they will have to be planted in accordance with the time frame specified on the permit.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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 June 22, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 \$ 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.

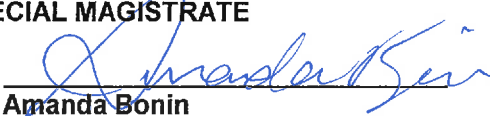
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **June 22, 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 27, 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) 506-5616.

DATED this 13th day of May, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mitchell J Scala JTRS 1353 Dexter Dr, Port Orange, FL 32129, was

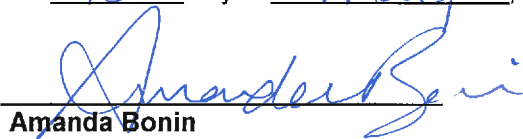
☐ Hand-delivered

Recipient of hand delivered documents: Mitchell Scala

☐ Posted at the property

this 13th day of May, 2016.

Time: approx. 3:53pm

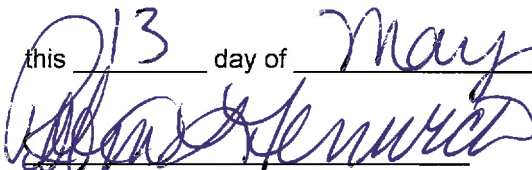

Amanda Bonin

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☒ Posted at City Hall

☐ Sent via certified and regular

this 13 day of May, 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

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Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.



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Parcel Information: 6307-07-00-0010 2016 Working Tax Roll Last Updated: 05-08-2016

Owner Name and Address

Alternate Key	3596986	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6307-07-00-0010	Mill Group	402 Port Orange
Full Parcel ID	07-16-33-07-00-0010	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	SCALA MITCHELL J JTRS &		
Owner Name/Address 1			
Owner Address 2	1353 DEXTER DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	1353 DEXTER DR PORT ORANGE 32129		

Additional Owners

Ownership Type	Ownership Percent 100.00
Additional Owner Name	SCALA KATHARINE JTRS &
Ownership Type	Ownership Percent 100.00
Additional Owner Name	SCALA PETER M JTRS &

Legal Description

LOT 1 HIDDEN LAKE SUB PHASE I MB 37 PGS 121-122 INC PER OR 2593 PG 1318 PER OR 6450 PG 4070 PER OR 6498 PGS 4126-4127

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6498 4126	06/2010	Warranty Deed	Institutional / bank	Yes	80,000
6450 4070	03/2010	Certificate of Title	Unqualified Sale	Yes	100
2593 1318	08/1984	Warranty Deed	Qualified Sale	Yes	62,300
2424 0274	02/1983	Warranty Deed	Qualified Sale	Yes	54,000
2292 0217	08/1981	Warranty Deed	Unqualified Sale	No	691,000
2238 1779	02/1981	Warranty Deed	Unqualified Sale	No	380,000
2212 1175	10/1980	Quit Claim Deed	Unqualified Sale	No	88

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	20,812	76,979	1,538	99,329	85,647	85,647	25,000	60,647	25,000	35,647
2014	20,812	74,033	0	94,845	84,967	84,967	25,000	59,967	25,000	34,967

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	100.0	115.0	100.00	FRONT FEET	215.00	97	100	100	100	20,812
Neighborhood 5864 HIDDEN LAKE PH I,II,III,IV-A&											
Total Land Classified											0
Total Land Just											20,812

Building Characteristics

Building Number: 112647 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
112647	Single Family		162	1983	300	23%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	4	4 Fixture Bath		0
Roof Cover	ASPHALT ROLLED	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0

Prepared by Yvonne Allen
an employee of
Rels Settlement Services
5700 Smetana Drive, Suite 400
Minnetonka, Minnesota 55343
877-813-7316
Fax # 956736
File # 0256529348B

Return to:
Rels Title
4477 Legendary Dr #101
Destin FL 32541

SPECIAL WARRANTY DEED

State of Florida

County of Volusia

THIS SPECIAL WARRANTY DEED is made this 6/30/10, between Wells Fargo Financial System Florida, Inc. having a business address at: 4119 121st St, Urbandale, IA 50323 ("Grantor"), and Peter M. Scala, a married man and Katharine Scala, a married woman and Mitchell J. Scala, a single man as Joint tenants and Rights of Survivorship having a mailing address of: 1806 Chandler Ct. Port Orange FL 32128 ("Grantee"),

WITNESSETH, that the said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, remised, released, conveyed and confirmed unto said "Grantee", its successors and assigns forever, the following described land, situate, lying and being in the County of Volusia, State of Florida, to-wit:

Lot 1, HIDDEN LAKE SUBDIVISION PHASE I, as Per Map recorded in Map Book 37, Pages 121 and 122, Public Records of Volusia County, Florida.

Commonly known as: 1353 DEXTER DR E., PORT ORANGE, FL 32129

Tax Parcel Identification Number: 630707000010.

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

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 Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; and that said land is free of all encumbrances except taxes accruing subsequent to 2010. That it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but against none other.

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

Wells Fargo Financial System Florida, Inc.

Anne McFadden

By: Anne McFadden

Vice President

Signed, sealed and delivered in our presence:

[Signature]
Witness Signature

Justin Edgington
Print Name

[Signature]
Witness Signature

Tim Scoggin
Print Name

State of _____

County of _____

The Foregoing Instrument Was Acknowledged before me on 6-30-10, by Anne McFadden the Vice President of Wells Fargo Financial System Florida, Inc. who is are personally known to me or who has/have produced a valid driver's license as identification.



[Signature]
NOTARY PUBLIC

Ryan Raymond
Notary Print Name

My Commission Expires: 5/2/11

Section 10: - Permit requirements for tree removal.

- (a) It is hereby unlawful for any person to cut down, move, remove or destroy through damaging or to authorize the same, of any tree or natural vegetation referenced in this article without obtaining a tree removal permit in accordance with the provisions of this article.
- (b) 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 chapter 10, article I. Where both clearing and changing of grades are proposed, the permit requirements of chapter 10, article I shall apply, in addition to the standards of this article.
- (c) Tree removal permits for historic trees may only be approved by the city council. Historic trees shall be deemed specimen trees for purposes of the requirements of this article, and shall comply with the requirements for specimen trees except that the additional specifications set forth in subsection 16.5 of this chapter shall apply to removal and replacement of historic trees.
- (d) The following procedure shall apply for tree removal on unsubdivided property or subdivided lots with no approved development or building plan:
 - (1) *Application procedure.* Application shall be made to the department on an appropriate form provided for that purpose. Application submittal shall include the necessary drawings or documents to show the following:
 - (a) All existing trees six inches or greater at 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 and historic trees proposed for removal shall be individually noted.
 - (b) 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.
 - (2) *Standards of review.* The application shall be reviewed on the following criteria:
 - (a) The extent to which the actual or intended use of the property requires removal, cutting down or destruction of trees.
 - (b) 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.
 - (c) The extent to which the area would be subject to increased water runoff and other environmental degradation due to removal of the trees and vegetation.
 - (d) The heightened desirability of preserving or enhancing tree cover in densely developed populated areas.
 - (e) 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.

(Ord. No. 1999-4, § 3, 2-16-99; Ord. No. 2002-36, § 2, 9-17-02)



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-650

To:
Robert P & Jodi A Petrzala
3821 Long Grove Ln
Port Orange, FL 32129

Re: 3821 Long Grove Ln
Port Orange, FL 32129
Parcel ID: 6306-10-00-0450

LEGAL DESCRIPTION: LOT 45 A REPLAT OF THE GROVE PHASE B MB 43 PG 18 PER OR 4145 PG 3490

Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 20, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 5 days to correct. A re-inspection was done on May 9, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 22, 2016**.

Briefly stated, the property is in violation of the following:

1. Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
 - I observed loose siding falling off the home on the side of the home as well as in the screened area by the front door. To comply; all siding must be repaired
2. Chapter 70 of the City of Port Orange Code of Ordinances Article 2 Stopping Standing and Parking Section 70-49. – (C) Restrictions on disabled or abandoned vehicles.
 - (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:
 - a. Within a completely enclosed garage; or
 - b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.
 - (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
 - I observed an inoperable/unregistered car parked in the driveway. To comply; the unregistered car needs to have a valid tag and be operable, removed, covered with a car cover in good repair, or parked in the garage.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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 June 22, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 \$ 14.08 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.

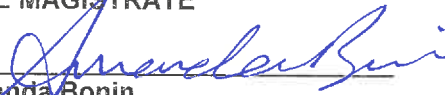
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **June 22, 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 27, 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) 506-5616.

DATED this 13th day of May, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert P & Jodi A Petrzala 3821 Long Grove Ln Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 13th day of May, 2016.

Time: approx. 2:30pm

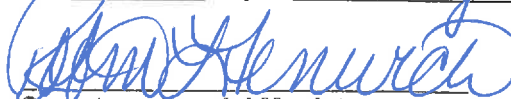

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert P & Jodi A Petrzala 3821 Long Grove Ln Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 13 day of May, 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 D. Gilreath Jr.
M.A., C.F.A.



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Parcel Information: 6306-10-00-0450 2016 Working Tax Roll Last Updated: 04-24-2016

Owner Name and Address

Alternate Key	5138887	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6306-10-00-0450	Mill Group	402 Port Orange
Full Parcel ID	06-16-33-10-00-0450	2015 Final Mill Rate	20.86510
Created Date	18 DEC 1989		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	PETRZALA ROBERT P & JODI A		
Owner Name/Address 1			
Owner Address 2	3821 LONG GROVE LN		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32119		
Situs Address	3821 LONG GROVE LN PORT ORANGE 32129		

Legal Description
 LOT 45 A REPLAT OF THE GROVE PHASE B MB 43 PG 18 PER OR 4145 PG 3490

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4145 3490	07/1996	Quit Claim Deed	Affiliated Parties	Yes	1
3984 2061	02/1995	Warranty Deed	Qualified Sale	Yes	78,000
3664 1695	07/1991	Warranty Deed	Qualified Sale	Yes	71,900

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	16,125	93,764	0	109,889	109,889	109,889	0	109,889	0	109,889
2014	16,125	84,317	0	100,442	100,442	100,442	0	100,442	0	100,442

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0140	IMP LKFRNT-3 <2 AC	50.0	100.0	1.00	LOT	16125.00	100	100	100	100	16,125
Neighborhood 5902 THE GROVES PHASE B (6306-09)											
Total Land Classified											0
Total Land Just											16,125

Building Characteristics
 Building Number: 164614 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
164614	Single Family	170	1991	300		15%	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)	VINYL SIDING	1.0	1991	N	0%	0%	1180 Sq. Feet	
002	Finished Enclosed Porch (FEP)	Non-Applicable	1.0	1991	N	0%	0%	266 Sq. Feet	
003	Porch, Screened Finished (FSP)	Non-Applicable	1.0	1991	N	0%	0%	30 Sq. Feet	
004	Finished Garage (FGR)	Non-Applicable	1.0	1991	N	0%	0%	480 Sq. Feet	
005	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1995	N	0%	0%	133 Sq. Feet	

Prepared By: PATRICIA BRIDGWATER
PROFESSIONAL TITLE AGENCY, INC.
555 W. GRANADA BLVD., SUITE B6 ORMOND BEACH, FL 32174
incidental to the issuance of a title insurance policy.
File No.: 0463*01819
Parcel ID # 6306-10-00-0450
Grantee(s) SS # ,

10/09/1996 11:21
Doc stamps 0.70
(Transfer Amt \$ 1)
Instrument # 96173002
Book: 4145
Page: 3490
Diane M. Matousek
Volusia County, Clerk of Court

QUIT CLAIM DEED
(INDIVIDUAL)

This QUIT CLAIM DEED, dated JULY 1, 1996

by

PAUL P. PETRZALA AND LILLIAN J. PETRZALA,
HIS WIFE

whose post office address is

227 OAK ST., BINGHAMTON, NEW YORK 13905

hereinafter called the GRANTOR, to

ROBERT P. PETRZALA and JODI A. PETRZALA, HUSBAND AND WIFE

whose post office address is

3821 LONG GROVE LANE, PORT ORANGE, FL. 32119

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.)

WITNESSETH: That GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto GRANTEE forever, all the right, title, interest, claim and demand which GRANTEE has in and to the following described lot, piece or parcel of land, situate, lying and being in VOLUSIA County, Florida, viz:

Lot 45, A REPLAT OF THE GROVES, PHASE B, according to the map in Map Book 43, Page 18, of the Public Records of VOLUSIA County, Florida.

TO HAVE AND TO HOLD, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said GRANTOR, either in law or equity, to the only proper use, benefit and behoof of the said GRANTEE forever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: Paul P. Petrzala
Print Name: PAUL P. PETRZALA

Signature: Lillian J. Petrzala
Print Name: LILLIAN J. PETRZALA

State of New York
County of BROOME

I am a notary public of the state of New York, and my commission expires: July 31, 1998.

THE FOREGOING INSTRUMENT was acknowledged before me on July 1, 1996, 1996 by
PAUL P. PETRZALA AND LILLIAN J. PETRZALA, HUSBAND AND WIFE

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 shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections

of this Code or applicable provisions of the land development code shall prevail and govern.

- (h) *Abutting property owner maintenance of parkages.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

(Code 1981, § 10-1; Ord. No. 1994-5, § 1, 3-15-94)

Sec. 70-49. - Restrictions on disabled or abandoned vehicles.

(a) *Findings of fact.*

- (1) Aesthetic views on residentially-zoned and agriculturally-zoned private property relate to the general welfare of the people of the city through the tendency to preserve or enhance the value of residentially-zoned and agriculturally-zoned private property.
- (2) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, is an unpleasant sight to a reasonable person with average sensibilities.
- (3) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, tends to depreciate the value of neighboring residentially-zoned and agriculturally-zoned private property, thereby injuring the general welfare of the people of the city.

(b) *Definitions.* The following words, terms and phrases, when used in this section or section 70-50, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Code inspector* shall be defined as provided in F.S. § 162.04.
- (2) *Disabled or abandoned vehicle* means a vehicle which:
 - a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;
 - b. Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;
 - c. Is unlicensed;
 - d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or
 - e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.
- (3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.
- (4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.
- (5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.
- (6) *Vehicle* shall be defined as provided in F.S. § 316.003.

(c) *Restrictions.*

- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:
 - a. Within a completely enclosed garage; or
 - b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.

- (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
 - (3) No person shall oppose, obstruct, or resist any code inspector or any person authorized by the code inspector in the discharge of duties or responsibilities provided in this section or section 70-50.
 - (d) *Evidence.* In order to conclude that a vehicle is disabled or abandoned, the code inspector must determine that the vehicle has been disabled or abandoned for at least 15 consecutive calendar days, or that the vehicle violates any of the criteria contained in subsection (c)(1) or (c)(2) of this section.
 - (e) *Responsibility for compliance.* The owner of the disabled or abandoned vehicle and the owner or occupant of the property on which such vehicle is located shall be jointly and individually responsible for compliance with the requirements of this section.
- (Ord. No. 1998-23, § 1, 7-21-98)

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weathertight and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be

included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of

Case Cost Sheet Log

Case No. 16-162 (Continued from May 25, 2016 and June 8, 2016)

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	06/08/2016		\$44.00
Brian M. Peterson	Costs for mailing the Order Setting Fine/Lien to 767 Sandy Hill Circle, Port Orange, FL 32127	06/08/2016		\$0.67
Brandy M. Peterson	Costs for mailing the Order Setting Fine/Lien to 767 Sandy Hill Circle, Port Orange, FL 32127	06/08/2016		\$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 \$ 13,960 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.

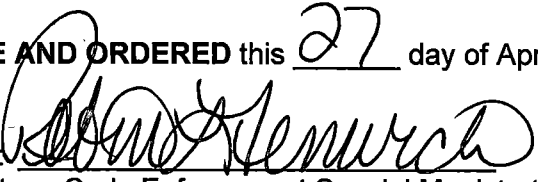
ORDER:

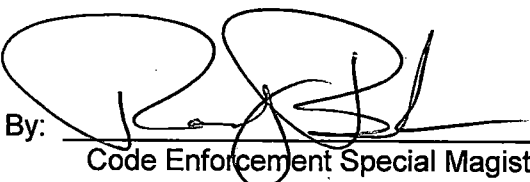
A. Respondent(s) shall correct the aforesaid violation by this ORDER on or before April 27, 2016. In the event that the property is not brought into compliance on or before April 27, 2016, and/or not maintained in a state of compliance, the case will be referred to the City Council for abatement. The 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.

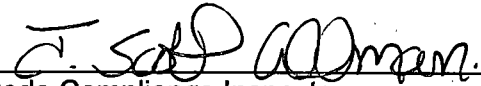
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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.

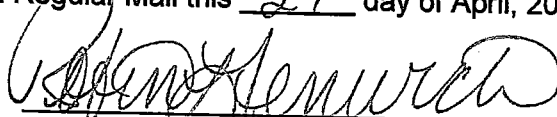
Attest: 
Secretary, Code Enforcement Special Magistrate

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.

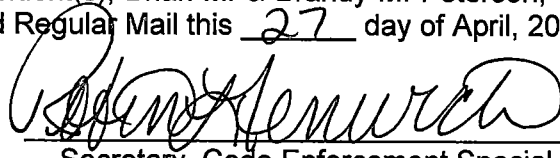
This document has/has not been redacted pursuant to Florida Law.

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