



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, September 14, 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 – August 24, 2016

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 16-702

Respondent: Julie Richardson

Address of Violation: 5272 Isabell Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 08/09/2016

Compliance: Yes

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

4. CEB Case No.: 16-1033

Respondent: Mitchell J. Scala, Katherine Scala, and Peter M. Scala

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

Code Officer: Scott Allman

First Notified: 08/12/2016

Compliance: No

Cited for violation(s) - Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code

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.

5. **CEB Case No.:** 16-921

Respondent: Flavio G. Forzanti

Address of Violation: 402 Needles Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 07/29/2016

Compliance: No

Cited for violation(s) - 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.

6. **CEB Case No.:** 16-1163

Respondent: Ryan Alan McDowell

Stacey Nicole Simon

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

Code Officer: Amanda Bonin

First Notified: 07/29/2016

Compliance: No

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

7. **CEB Case No.:** 16-1125

Respondent: William R. Phillips and Athena R. Phillips

Address of Violation: 808 Del Prado Lane, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 07/25/2016

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.

C. ORDER IMPOSING FINE/LIEN

8. CEB Case No.: 16-1115

Respondent: Erika Sipe

Address of Violation: 1155 Viking Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/11/2016

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Article 2:

Garbage, Junk, and Undergrowth, Chapter 42 Nuisances, Section 42-26 - Cleanliness of property general duty of owner (d) Maintenance of improved residential lots;

Garbage, Junk, and Undergrowth Chapter 42 Nuisances, Section 42-32 - Storage of vehicles, furniture, etc.; and

Stopping, Standing, and Parking, Chapter 70 Traffic, Section 70-49 Restrictions on disabled or abandoned vehicles, (c) Restrictions

9. CEB Case No.: 16-1059

Respondent: Scott T. Gilroy

Address of Violation: 104 Tumbler Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/11/2016

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Article 2, Garbage, Junk, and Undergrowth, Chapter 42 Nuisances, Section 42-26 - Cleanliness of property general duty of owner (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc. prohibited.

D. ADJOURNMENT

Code Enforcement Special Magistrate Meeting

Wednesday, September 14, 2016

Page **4** of **4**

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
AUGUST 24, 2016

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:00 a.m.

PRESENT: Raymond Branch, Special Magistrate

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

Consideration of Minutes

Special Magistrate Branch approved the August 10, 2016 meeting minutes with a few clarifications as to Case No. 15-1481, property located at 156 Sand Pebble Circle.

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Branch explained the hearing process and the property owners acknowledged their understanding of same.

Oaths

Code Compliance Inspector Scott Allman was sworn in by Special Magistrate Branch.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-1108
Respondent: Joseph A. & Kathleen A. Fazzie
Address of Violation: 6604 Mansour Ln, Port Orange, FL 32128
Code Officer: Scott Allman
First Notified: 07/18/2016

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), (f) Garbage, waste, trash, etc., prohibited.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Branch and testified as to the notices provided to the property owners and the condition of the

property. He presented photographs of the violations and asked that they be submitted into evidence. After no objections from the property owners, Special Magistrate Branch admitted the photos into evidence.

Joseph Fazzie, property owner, asked Mr. Allman why he took pictures from different sides of the property instead of being consistent. Mr. Allman was told that the trash was moved to the opposite side of the pool deck so he took pictures where the violation occurred.

Mr. Fazzie and Kathleen Fazzie were both sworn in by Special Magistrate Branch. Mr. Fazzie testified as to the condition of his property. He has cleaned the pool deck completely. He would have liked to have received a call from Mr. Allman. Mrs. Fazzie testified as to their financial conditions in 2014 that led to the first violation and their continued financial and health conditions that led to this violation. She will ensure no further violations occur in the future.

Mr. Allman recommended the property owners be found in repeat violation of the above cited codes. He also recommended a one-time fine of \$500.00 be assessed against the property provided the violations are corrected within seven (7) days from the date of this hearing; however, if the property is not in compliance within seven (7) days from the date of this hearing; to wit: Wednesday, August 31, 2016, a one-time fine of \$750.00 shall be assessed. Costs in the amount of \$40.84 were requested by Mr. Allman as presented on the Cost Sheet admitted into evidence.

The Special Magistrate granted the recommendations regarding compliance within seven (7) days from the date of this hearing. A fine in the amount of \$1,000.00 shall be assessed against the property; however, the fine will be held in abeyance for twenty-four (24) months. If there are no further violations within twenty-four (24) months, the fine will be removed. The fine will be enforced if there is another violation or if this violation is not corrected within seven (7) days. An Affidavit of Non-Compliance shall be filed by the Code Enforcement Inspector should the violation not be corrected.

4. CEB Case No.: 16-0882

Respondent: Thomas Earl Raley & Heidi Koss Raley

Address of Violation: 113 Aloha Terrace, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 07/20/2016

Compliance: Yes

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

*Mr. Allman requested the case be dismissed as it is in compliance with the notice.
Special Magistrate Branch granted the dismissal request.*

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

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 9:55 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 16-1033

Name	Activity	Activity_Date	Status	Cost
All Respondents	Mailing costs for Notice of Violation/Notice of Hearings via certified and regular mail	08/15/2016		\$22.02
Clerk of Court	Recording fees for Finding of Fact, Conclusion of Law, & Order	09/14/2016		\$27.00
All Property owners	Mailing costs for Finding of Fact, Conclusion of Law, & Order via certified and regular mail	09/14/2016		\$22.02

Total: 71.04



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1033

To: Mitchell J. Scala, Katherine Scala

And Peter M. Scala

1353 E. Dexter Dr

Port Orange, FL 32129

Re: 1353 E. Dexter Dr

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 June 23, 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 ten days to correct. A re-inspection was done on August 3, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by August 31, 2016.

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

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

- On June 23, 2016, I observed a chain link fence on the property that is need of repair. A re-inspection on August 3, 2016 confirmed the condition to be the same. There are missing rails and the fence is leaning in several areas. To correct the alleged violation, the fence needs to be repaired to be in its original and upright condition.

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.

- On June 23, 2016, I observed a truck parked and stored on the side of the home. I also observed items being stored on the side of the home and in the driveway. A re-inspection on August 3, 2016 confirmed the condition to be the same. To correct the alleged violation, all items stored on the side of the home must be removed and properly stored. The truck stored on the side of the home must be removed and properly stored.

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 \$4,000.00 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** September 14, 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 \$ 22.02 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 September 14, 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 October 26, 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 12th day of August, 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 Mitchell J. Scala, Katherine Scala and Peter M. Scala, RE: 1353 E. Dexter Dr, Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 12th day of August, 2016.

Time: approx. 10:55 am

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mitchell J. Scala, Katherine Scala and Peter M. Scala, RE: 1353 E. Dexter Dr, Port Orange, FL 32129, was

☐ Posted at City Hall

☒ Sent via certified and regular

this 15 day of August, 2016.

Secretary, Special Magistrate
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



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Parcel Information: 6307-07-00-0010 **2016 Preliminary Tax Roll** Last Updated: 08-07-2016

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	Joint Tenancy with Right of Survivorship	Ownership Percent	100
Owner Name	SCALA MITCHELL J &		
Owner Name/Address 1			
Owner Address 2	1353 DEXTER DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	1353 E DEXTER DR PORT ORANGE 32129		

Additional Owners

Ownership Type	Joint Tenancy with Right of Survivorship	Ownership Percent	100.00
Additional Owner Name	SCALA KATHARINE &		
Ownership Type	Joint Tenancy with Right of Survivorship	Ownership Percent	100.00
Additional Owner Name	SCALA PETER M &		

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
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
	Area Type	Exterior Wall Type							

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 Chandell 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:

Justin Edgington
Witness Signature

Justin Edgington
Print Name

Tim Seager
Witness Signature

Tim Seager
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.



Ryan Raymond
NOTARY PUBLIC

Ryan Raymond
Notary Print Name

My Commission Expires: 5/2/11

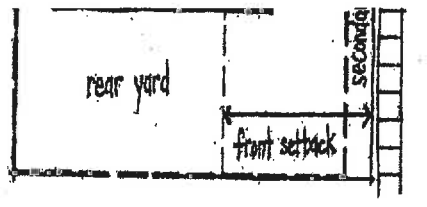
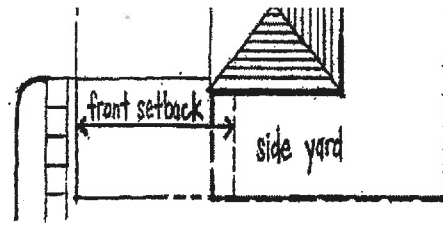
Sec. 42-32. - Storage of vehicles, furniture, etc.

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 3: - Fences and walls.

- (a) *In general.* All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.
- (b) *General provisions.*
 - (1) *Restrictions.*
 - (a) No barbed wire, razor wire or similar material shall be allowed for residential uses.
 - (b) Barbed wire, razor wire, or similar material shall be prohibited for commercial and industrial uses, except when installed at an eight-foot height or greater.
 - (c) Temporary construction fencing.
 - (1) Temporary construction fencing shall be allowed for sites in all zoning districts that have been issued a development order by the city.
 - (2) The city shall require the installation of a temporary construction fence in areas where construction activities create impacts to adjoining properties and rights-of-way such as debris, glare, and noise, which cannot otherwise be mitigated.
 - (3) A building permit shall be obtained prior to the erection of the temporary construction fence.
 - (4) The fence shall be constructed according to the adopted standard construction detail for a temporary construction fence. Approved fence materials shall include opaque privacy fencing or other semipermanent materials deemed appropriate by the administrative official.
 - (5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.
 - (6) The temporary construction fence is intended to remain no longer than necessary to mitigate the conflict with other construction infrastructure for the project. Before a certificate of occupancy is issued, the temporary construction fence shall be removed and replaced with the permanent fence and/or wall as required by chapter 13, section 3.5 of this Code.
 - (7) In the event that the property remains cleared and vacant for a period of one year after the issuance of a development order or a development permit, whichever is in force at the time, the temporary construction fence shall be removed. If vegetation has not been established by the expiration date, the

**Non-Conforming Lot & Structure****Non-Conforming Lot & Structure****Figure 16:A**

— = allowed w/ high fence location

figure16A

- (g) For individual single-family and two-family residential through lots with a rear lot line abutting the right-of-way line of a local street or arterial or collector road, a privacy fence not to exceed six feet in height may be placed on the rear lot line.
 - (h) On atypical lots, chain link fences may not exceed six feet in height when erected within the required rear yard.
 - (i) Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.
- (3) *Location.*
- (a) No permanent fence or wall shall be located closer than five feet to any right-of-way line, unless otherwise permitted in this chapter.
 - (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with this chapter.
- (4) *Design and maintenance.*
- (a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.
 - (b) All fences shall be maintained in their original upright condition.
 - (c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.
 - (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material

Case Cost Sheet Log

Case No. 16-921

Name	Activity	Activity_Date	Status	Cost
Flavio G. Forzanti	Mailing costs for Notice of Repeat Violation and Notice of Hearings to 402 Needles Drive, Port Orange, FL 32127 via certified and regular mail	08/01/2016	Both certified and regular mail returned unable to forward on August 8, 2016	\$7.34
Clerk of Court	Recording fees for Finding of Fact, Conclusion of Law, & Order	09/14/2016		\$27.00
Flavio G. Forzanti	Mailing costs for Finding of Fact, Conclusion of Law & Order to 402 Needles Drive, Port Orange, FL 32127 via certified and regular mail	09/14/2016		\$7.34

Total: 41.68



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-921

To: Flavio G. Forzanti
402 Needles Dr

Port Orange, FL 32127

Re: 402 Needles Dr

Port Orange, FL 32127

Parcel ID: 6322-05-00-0040

LEGAL DESCRIPTION: LOT 4 TREETOP SUB MB 34 PG 74 PER OR 4790 PG 4692 PER OR 5408 PG 2638 PER
OR 5995 PG 3136-3137

Volusia County Public Records

Volusia County, FL

An inspection of the premises on June 27, 2016, indicates that certain repeat violation(s) of the City of Port Orange Code exists.

Briefly stated, the property is in repeat 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.
 - On June 27, 2016, I observed a repeat violation of the above stated ordinance. A re-inspection was conducted on July 25, 2016 and the condition was the same. The property and its owners have been previously found in violation of the above stated ordinance. Case # 15-49 was heard on April 22, 2015. See attached Finding of Fact and Conclusion of Law and Order. To correct the repeat violation, the entire lawn must be mowed and all high weeds trimmed.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

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 September 14, 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 **September 14, 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 **October 26, 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 28th day of July, 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 Flavio G. Forzanti, RE: 402 Needles Dr, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 29th day of July, 2016.

Time: 11:15 am

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Flavio G. Forzanti, RE: 402 Needles Dr, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified regular

this 1st day of August, 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: 6322-05-00-0040 **2016 Preliminary Tax Roll** Last Updated: 07-26-2016

Owner Name and Address

Alternate Key	3664230	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6322-05-00-0040	Mill Group	402 Port Orange
Full Parcel ID	22-16-33-05-00-0040	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	FORZANTI FLAVIO G		
Owner Name/Address 1			
Owner Address 2	402 NEEDLES DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	402 NEEDLES DR PORT ORANGE 32127		

Legal Description
 LOT 4 TREETOP SUB MB 34 PG 74 PER OR 4790 PG 4692 PER OR 5408 PG 2638 PER OR 5995 PG 3136-3137

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5995 3136	01/2007	Warranty Deed	Qualified Sale	No	195,000
5408 2638	09/2004	Warranty Deed	Qualified Sale	Yes	184,000
4790 4692	12/2001	Warranty Deed	Qualified Sale	Yes	110,000
4320 4419	06/1998	Warranty Deed	Qualified Sale	Yes	97,500
2007 0033	08/1978	Warranty Deed	Qualified Sale	Yes	47,500

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	20,633	97,153	449	118,235	87,017	87,017	25,000	62,017	25,000	37,017
2014	18,340	78,997	1,061	98,398	86,326	86,326	25,000	61,326	25,000	36,326

[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	113.0	130.0	113.00	FRONT FEET	180.00	101	100	100	100	20,633
Neighborhood 5698 TREETOP											
Total Land Classified											0
Total Land Just											20,633

Building Characteristics
Building Number: 118705 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
118705	Single Family	200	1978	300		29%	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	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)	C B STUCCO	1.0	1978	N	0%	0%	1655 Sq. Feet	
002	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1984	N	0%	0%	240 Sq. Feet	
003	Finished Garage (FGR)	Non-Applicable	1.0	1978	N	0%	0%	525 Sq. Feet	

Prepared by
Cathy Pulliam, an employee of
First American Title Insurance Company
555 West Granada Boulevard, Suite H-12
Ormond Beach, Florida 32174
(386)673-6114

Return to: Grantee

File No.: 1061-1450166

WARRANTY DEED

This indenture made on **January 19, 2007 A.D.**, by

Ira M. Lauer and Beatrice Lea Lauer a/k/a Beatrice Whitaker a/k/a Beatrice Hummer Lauer, husband and wife

whose address is: **149 Sand Pebble Circle, Port Orange, FL 32129**
hereinafter called the "grantor", to

Flavio G. Forzanti, a single person

whose address is: **402 Needles Drive, Port Orange, FL 32127**
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 4, TREETOP SUBDIVISION, according to the plat thereof as recorded in Map Book 34, Page(s) 74, of the Public Records of Volusia County, Florida.

Parcel Identification Number: **632205000040**

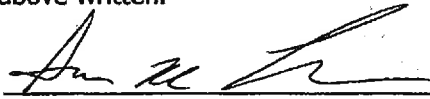
Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

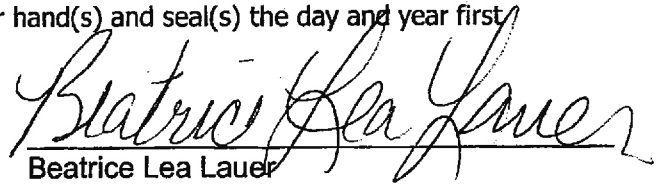
Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

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 2006.

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

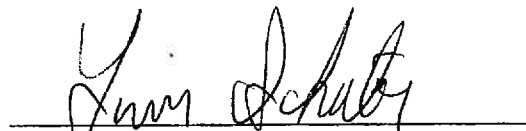

Ira M. Lauer


Beatrice Lea Lauer

Signed, sealed and delivered in our presence:


Witness Signature

Print Name: CATHY H. PULLIAM

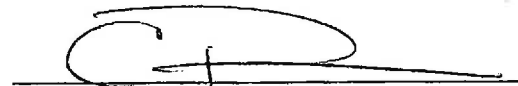

Witness Signature

Print Name: Tim Scheiber

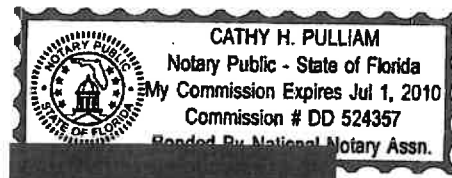
State of **FL**

County of **Volusia**

The Foregoing Instrument Was Acknowledged before me on **January 19, 2007**, by **Ira M. Lauer and Beatrice Lea Lauer** who is/are personally known to me or who has/have produced a valid driver's license as identification.


NOTARY PUBLIC

Notary Print Name _____
My Commission Expires: _____



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)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-049**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Flavio G. Forzanti
402 Needles Drive
Port Orange, FL 32127
6322-05-00-0040

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 22, 2015, 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), Flavio G. Forzanti, whose mailing address is 402 Needles Drive, Port Orange, FL 32127, is/are the owner(s) of the property located at 402 Needles Drive, Port Orange, FL 32127, and more particularly described as:

LOT 4 TREETOP SUB MB 34 PG 74 PER OR 4790 PG 4692 PER OR 540
8 PG 2638 PER OR 5995 PG [REDACTED]

B. There are high weeds and grass along with trash and yard debris and a separated, broken section of a stockade fence about to fall on the property. This condition was first observed at the real property described above on January 22, 2015; re-inspections made on April 2, 2015 and April 20, 2015 confirmed the condition as being the same. Respondent(s), Flavio G. Forzanti, received notice via certified mail and posted at City Hall on February 26, 2015. Additionally, the notice was also posted at the property February 25, 2015. The aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinances and Chapter 16, Section 3(b)(4)(b)(d) of the City of Port Orange Land Development Code, and was to be corrected by March 13, 2015.

C. At the time of the hearing on April 22, 2015, 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), Flavio G. Forzanti, by reason of the foregoing, has/have violated Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinances and Chapter 16, Section 3(b)(4)(b)(d) of the City of Port Orange Land Development Code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the high weeds and grass, trash and yard debris, and the broken section of the stockade fence, 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 mowing the entire property and trimming high weeds, remove all garbage and yard debris, and repair the damaged stockade fence in the back yard to its original upright position including replacing any broken or missing pickets on or before May 1, 2015. In the event that the property is not brought into compliance on or before May 1, 2015, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond May 1, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by May 1, 2015, then notice of the violation will be given to the City Council. 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 \$40.65 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 23 day of April, 2015

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
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), Flavio G. Forzanti, 402 Needles Drive, Port Orange, FL 32127 by Certified and Regular Mail this 23 day of April, 2015.

[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 16-1163

Name	Activity	Activity_Date	Status	Cost
Ryan Alan McDowell & Stacey Nicole Simon JTRS	Mailing costs for Notice of Repeat Violation and Notice of Hearings to 4632 Golden Apples Trail, Port Orange, FL 32129 via certified and regular mail	08/02/2016	All mail returned unable to forward	\$14.68
Clerk of Court	Recording fees for Finding of Fact, Conclusion of Law & Order	09/14/2016		\$27.00
Ryan Alan McDowell & Stacey Nicole Simon JTRS	Mailing costs for Finding of Fact, Conclusion of Law & Order to 4632 Golden Apples Trail, Port Orange, FL 32129 via certified and regular mail	09/14/2016		\$14.68

Total: 56.36



NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1163

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

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

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

Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 13, 2016 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

Property initially inspected on July 13, 2016 after noticing the condition of the lawn. The weeds were high and it was evident that the property was not being maintained. I contacted the property preservation company MCS to mow the entire property to include the high weeds in the landscaped areas within seven days. A re-inspection performed on July 27, 2016 resulted in non-compliance. Due to the possibility of the harborage of rodents, snakes, insects, etc. the property is to be considered a health and safety violation.

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

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 September 14, 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 September 14, 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 October 26, 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 29th day of July, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin, Code Compliance Inspector

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Ryan Alan McDowell JTRS & Stacey Nicole Simon JTRS, Property Owners, 4632 Golden Apples Trail, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 3:30pm

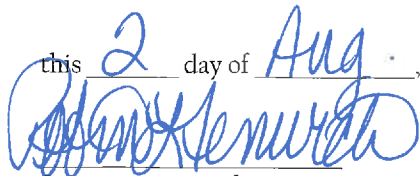
this 29th day of July, 2016.

Deborah Faircloth for
Amanda Bonin, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Ryan Alan McDowell JTRS & Stacey Nicole Simon JTRS, Property Owners, 4632 Golden Apples Trail, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified *+ regular*

this 2 day of Aug, 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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[Property Information](#)

Parcel Information: 6307-15-00-1410 2016 Preliminary Tax Roll Last Updated: 07-26-2016

Owner Name and Address

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

Additional Owners

Ownership Type	Joint Tenancy with Right of Survivorship	Ownership Percent	100.00
Additional Owner Name	SIMON STACEY NICOLE &		

Legal Description

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

Sales History

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

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	16,800	109,443	164	126,407	126,407	126,407	0	126,407	0	126,407
2014	16,800	92,106	300	109,206	109,050	109,050	25,000	84,050	25,000	59,050

[Display Value History](#)

Land Data

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

Building Characteristics

Building Number: 165944 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
165944	Single Family	194	1992	300		13%	0%	0%	2999
Roof Type	HIP	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C		Yes
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
	001 Res BASE Area (BAS)	C B STUCCO	1.0	1992	N	0%	0%	1593 Sq. Feet	

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

Return to: Grantee
File No.: 1019-2051763

WARRANTY DEED

Made this January 29, of 2009 by and between

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

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

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

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

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

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Volusia County, Florida**, to-wit:
Lot 141, CROSS CREEK PHASE II, as per map in Map Book 43, Page 56 of the Public Records of Volusia County, Florida.

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

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

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

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

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

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


Carmella A. Disanza

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


Witness Signature

Print

 Dooley


Witness Signature

Print Name:

NORMA GUERRERO

State of _____ See attached California Jurat

County of _____

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

Notary Public

Print Name

My Commission Expires: _____

{Notarial Seal}

CALIFORNIA JURAT WITH AFFIANT STATEMENT

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

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California

County of Riverside

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

29th day of January, 2009, by

(1) Carmella A. Disauza
Name of Signer

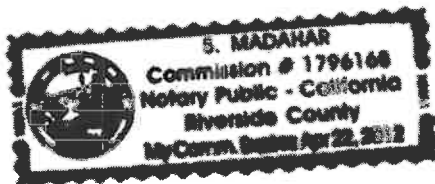
proved to me on the basis of satisfactory evidence
to be the person who appeared before me (.) (e)

(and

(2) _____
Name of Signer

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

Signature Madahar
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

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

Further Description of Any Attached Document

Title or Type of Document: Warranty Deed
Document Date: 01/29/2009 Number of Pages: 2 + Jurat
Signer(s) Other Than Named Above: Didson Dooley & Norma Guerrero



IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA
CIVIL DIVISION

BANK OF AMERICA, N.A.
Plaintiff,

v.

RYAN A. MCDOWELL; STACEY N. SIMON;
UNKNOWN SPOUSE OF RYAN A. MCDOWELL;
UNKNOWN SPOUSE OF STACEY N. SIMON;
UNKNOWN TENANT #1; UNKNOWN TENANT #2;
ALL OTHER UNKNOWN PARTIES CLAIMING
INTERESTS BY, THROUGH, UNDER, AND
AGAINST A NAMED DEFENDANT(S) WHO ARE
NOT KNOWN TO BE DEAD OR ALIVE, WHETHER
SAME UNKNOWN PARTIES MAY CLAIM AN
INTEREST AS SPOUSES, HEIRS, DEVISEES,
GRANTEES, OR OTHER CLAIMANTS,
Defendants,

Case No.:
Division:

2012 31543 C1C/
32

06/06/2012 03:16 PM
Instrument# 2012-038562 # 1
Book: 6719
Page: 3164
Diane M. Matousek
Volusia County, Clerk of Court

CLERK OF THE CIRCUIT
& CIVIL COURT VOLUSIA COUNTY
FLORIDA

2012 JUN -4 AM 11:42

FILED

NOTICE OF LIS PENDENS

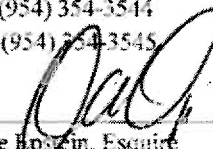
To the above-named Defendant(s) and all others whom it may concern:

YOU ARE HEREBY NOTIFIED of the institution of this action by the above named Plaintiff against you seeking to foreclose a mortgage recorded in Official Records Book 6320, Page 3690, on the following property in VOLUSIA COUNTY, Florida:

LOT 141, CROSS CREEK PHASE II, AS PER MAP IN MAP BOOK 43, PAGE 56 OF THE
PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Dated: June 1, 2012.

ELIZABETH R. WELLBORN, P.A.
350 Jim Moran Blvd. Suite 100
Deerfield Beach, Florida 33442
Tel. (954) 354-3544
Fax: (954) 354-3545

By: 
Jamie Epstein, Esquire
Florida Bar Number 68691

David Djebelli, Esq.
FBN 91018

Elizabeth R. Wellborn, P.A.
350 Jim Moran Blvd. Suite 100, Deerfield Beach, Florida 33442 (954) 354-3544

5

4

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 package most nearly abutting their properties. Packages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Packages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Package" 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 package, 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)

Case Cost Sheet Log

Case No. 16-1125

Name	Activity	Activity_Date	Status	Cost
William & Athena Phillips	Mailing costs for Notice of Violation and Notice of Hearings to 808 Del Prado Lane, Port Orange, FL 32129 via certified and regular mail	07/26/2016	All mailings were returned unable to forward	\$14.68
Clerk of Court	Recording fees for Finding of Fact, Conclusion of Law & Order	09/14/2016		\$27.00
William & Athena Phillips	Mailing costs for Finding of Fact, Conclusion of Law & Order to 808 Del Prado Lane, Port Orange, FL 32129 via certified and regular mail	09/14/2016		\$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. 16-1125

To: PHILLIPS WILLIAM R & ATHENA R
PROPERTY OWNERS
808 Del Prado Lane
Port Orange, FL 32129

Re: 808 DEL PRADO LANE
Port Orange, FL 32129
Parcel ID: 6337-35-00-0100
LEGAL DESCRIPTION: LOT 10 PEPPER HILL MB 42 PG 136 PER OR 4567 PG 0811
Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 11, 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 July 20, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by August 7, 2016

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

1. 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 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.
 - Property originally inspected on July 11, 2016 by Inspector Amanda Bonin while I was out on medical leave, after receiving a complaint of an overgrown yard at this location. She left a 5 day door hanger to mow the property. A re-inspection was conducted on July 20, 2016 resulting in non-compliance. Once I returned, I inspected the property on July 20, 2016 and found the yard to be extremely high. Some areas on the property are almost 4 feet high. Being that there was no compliance from the original inspection, the case will now be heard by the Special Magistrate if, the property is not mowed in its entirety to include edging, weed eating, etc. and trimming of all high weeds to a height no less than 10 inches by the correction date listed above.

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 September 14, 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 September 14, 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 October 26, 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 25th day of July, 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 **PHILLIPS WILLIAM R & ATHENA R, PROPERTY OWNERS, 808 Del Prado Lane, Port Orange, FL 32129**, RE: 808 Del Prado Lane, Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 25th day of July, 2016.

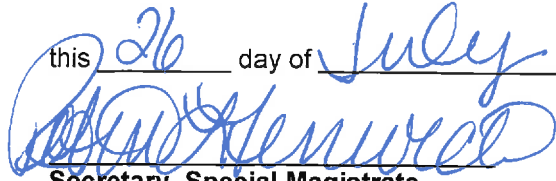
Time: approx. 12:32 PM

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 **PHILLIPS WILLIAM R & ATHENA R, PROPERTY OWNERS, 808 Del Prado Lane, Port Orange, FL 32129**, RE: 808 Del Prado Lane, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 26 day of July, 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



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Parcel Information: 6337-35-00-0100 2016 Preliminary Tax Roll Last Updated: 07-17-2016

Owner Name and Address

Alternate Key	5086194	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6337-35-00-0100	Mill Group	402 Port Orange
Full Parcel ID	37-16-33-35-00-0100	2015 Final Mill Rate	20.86510
Created Date	27 MAR 1989		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	PHILLIPS WILLIAM R & ATHENA R		
Owner Name/Address 1			
Owner Address 2	808 DEL PRADO LANE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32119		
Situs Address	808 DEL PRADO LN PORT ORANGE 32129		

Legal Description
 LOT 10 PEPPER HILL MB 42 PG 136 PER OR 4567 PG 0811

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified	Unqualified	Improved	Sale Price
4567	0811	06/2000	Warranty Deed	Qualified Sale		Yes	88,000
4472	2599	08/1999	Warranty Deed	Qualified Sale		Yes	87,000
3544	1751	10/1990	Warranty Deed	Qualified Sale		Yes	72,000
3305	0224	05/1989	Quit Claim Deed	Multi parcel sale		No	100

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	21,519	92,633	2,051	116,203	116,203	116,203	0	116,203	0	116,203
2014	21,949	82,363	2,761	107,073	96,532	96,532	25,000	71,532	25,000	46,532

[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	83.0	110.0	83.00	FRONT FEET	280.01	93	100	100	100	21,519
Neighborhood 5354 MADELINE HEIGHTS PHASE I											
Total Land Classified											0
Total Land Just											21,519

Building Characteristics
Building Number: 162781 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
162781	Single Family	170	1990	300		11%	0%	0%	2999
Roof Type	GABLE	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)	PREFAB WOOD PANEL	1.0	1990	N	0%	0%	1466 Sq. Feet	
003	Finished Garage (FGR)	Non-Applicable	1.0	1990	N	0%	0%	460 Sq. Feet	
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1990	N	0%	0%	30 Sq. Feet	
005	Patio (PTO)	Non-Applicable	1.0	1997	N	0%	0%	210 Sq. Feet	

Prepared By: Patricia H. Schlemmer
Professional Title Agency, Inc.
400 Canal Street
New Smyrna Beach FL 32168
incidental to the issuance of a title insurance policy.
File Number: n2016
Parcel ID# 6337-35-00-0100
Grantee(s) SS# [REDACTED]

07/05/2000 09:02
Doc stamps 616.00
(Transfer Amt \$ 88000)
Instrument # 2000-116266
Book: 4567
Page: 811
Diane M. Matousek
Volusia County, Clerk of Court

**WARRANTY DEED
(INDIVIDUAL)**

This **WARRANTY DEED**, dated 06/28/2000 by
PETER J. LAPINSKI and PATRICIA M LAPINSKI, husband and wife
whose post office address is:

723 Bell Air Avenue, Sun City Center FL 33573
hereinafter called the GRANTOR, to

WILLIAM R. PHILLIPS and ATHENA R. PHILLIPS, husband and wife
whose post office address is:

808 Del Prado Lane, Port Orange, FL 32119
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 10, PEPPER HILL, according to the plat thereof, recorded in Map Book 42, Page 136 of the Public Records of Volusia County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2000 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: Patricia H. Schlemmer
Print Name: Patricia H. Schlemmer

Signature: Rosemarie Frutcher
Print Name: Rosemarie Frutcher

Signature: Peter J. Lapinski
Print Name: PETER J. LAPINSKI

Signature: Patricia M. Lapinski
Print Name: PATRICIA M LAPINSKI

State of Florida
County of Volusia

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)

Case Cost Sheet Log

Case No. 16-1115

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Recording fee - Finding of Fact, Conclusion of Law & Order	08/10/2016		\$27.00
Erika Sipe	Mailing recorded Finding of Fact, Conclusion of Law & Order to 1155 Viking Drive, Port Orange, FL 32129 (certified & regular)	08/10/2016		\$7.34
Clerk of Court	Recording fee - Order Imposing Fine/Lien	09/14/2016		\$44.00
Erike Sipe	Mailing recorded Order Imposing Fine/Lien to 1155 Viking Drive, Port Orange, FL 32129 (certified & regular)	09/14/2016		\$7.34

Total: 85.68



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1115

To: Erika Sipe
Re: 1155 Viking Drive
Port Orange, FL 32129
Parcel ID: 6306-05-00-0390
LEGAL DESCRIPTION: LOT 39 VIKING SUB II MB 41 PG 7 PER OR 5214 PG 2838
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 30, 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 July 21, 2016.

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

1. City of Port Orange Code of Ordinances, Article 2 Garbage Junk and Undergrowth, Chapter 42 Nuisances, Sec. 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.
 - The property needs to be mowed and all high weeds and grass trimmed.
2. City of Port Orange Code of Ordinances, Article 2 Garbage Junk and Undergrowth Chapter 42 Nuisances, 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.
 - All outside storage on the property needs to be properly stored in an enclosed building.
3. City of Port Orange Code of Ordinances, Article 2 Stopping, Standing, and Parking, Chapter 70 Traffic, 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.
 - Disabled/unregistered vehicle must be covered with a standard vehicle cover or parked in an enclosed 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 August 10, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 0 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **August 10, 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 **September 14, 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 11th day of July, 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 Erika Sipe 1155 Viking Drive Port Orange, FL 32129, RE: 1155 Viking Drive Port Orange, FL 32129, was

☒ Hand-delivered

Recipient of hand delivered documents: Erika Sipe

☐ Posted at the property

this 11th day of July, 2016.

Time: approx. 2:37 pm

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 Erika Sipe 1155 Viking Drive Port Orange, FL 32129, RE: 1155 Viking Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 11 day of July, 2016.

Robert H. Henscher
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: 6306-05-00-0390 2016 Preliminary Tax Roll Last Updated: 07-10-2016

Owner Name and Address

Alternate Key	4893164	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6306-05-00-0390	Mill Group	402 Port Orange
Full Parcel ID	06-16-33-05-00-0390	2015 Final Mill Rate	20.86510
Created Date	08 JAN 1987		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	SIPE ERIKA		
Owner Name/Address 1			
Owner Address 2	1155 VIKING DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	1155 VIKING DR PORT ORANGE 32129		

Legal Description
LOT 39 VIKING SUB II MB 41 PG 7 PER OR 5214 PG 2838

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5214 2838	11/2003	Warranty Deed	Qualified Sale	Yes	120,000
3058 0094	11/1987	Warranty Deed	Qualified Sale	Yes	73,600
2972 1556	04/1987	Warranty Deed	Multi parcel sale	Yes	30,000

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	15,200	110,403	0	125,603	102,989	102,989	25,000	77,989	25,000	52,989
2014	15,200	99,263	0	114,463	102,172	102,172	25,000	77,172	25,000	52,172

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	80.0	106.0	80.00	FRONT FEET	190.00	100	100	100	100	15,200
Neighborhood	5983 SANDLEWOOD ESTS UTS I & 2										
											0
											15,200

Building Characteristics

Building Number: 155293 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
155293	Single Family	196	1987	300		14%	0%	0%	2999
Roof Type	GABLE	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	1987	N	0%	0%	1685 Sq. Feet
002	Finished Garage (FGR)	Non-Applicable	1.0	1987	N	0%	0%	528 Sq. Feet
003	Porch, Open Finished (FOP)	Non-Applicable	1.0	1987	N	0%	0%	20 Sq. Feet
004	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1987	N	0%	0%	200 Sq. Feet

Record 6.00
Doc 840.00

11/28/2003 02:30 PM
Doc stamps 840.00
(Transfer Amt \$ 120000)
Instrument# 2003-300278
Book: 5214
Page: 2838
Diane M. Matousek
Volusia County, Clerk of Court

THIS INSTRUMENT PREPARED BY AND RETURN TO:

MARLENE SPENCE
PONCE INLET TITLE, INC.
464 SO. RIDGEWOOD AVE.
DAYTONA BEACH, FL. 32114
Property Appraisers Parcel Identification (Folio) Numbers: [REDACTED]
Grantee SS #:

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 17th day of November, 2003 by HAROLD L. RANKIN and MURIEL J. RANKIN, husband and wife, herein called the grantors, to ERIKA SIPE, AN UNMARRIED WOMAN, whose post office address is 1155 VIKING DRIVE, PORT ORANGE, FL. 32129, 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)

W I T N E S S E T H: That the grantors, for and in consideration of the sum of TEN AND 00/100'S (\$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, State of Florida, viz.:

LOT 39, VIKING SUBDIVISION II, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 41, PAGE 7, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

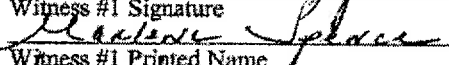
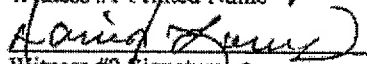
TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantors hereby covenant with said grantee that the grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant 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, 2001.

IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:


Witness #1 Signature

Witness #1 Printed Name

Witness #2 Signature
David Louis
Witness #2 Printed Name

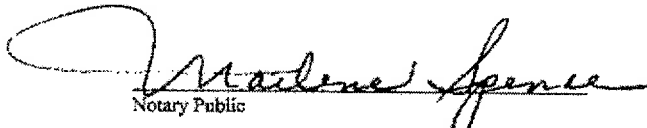

HAROLD L. RANKIN

MURIEL J. RANKIN

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 17th day of November, 2003 by HAROLD L. RANKIN and MURIEL J. RANKIN, HUSBAND AND WIFE, who are personally known to me or have produced driver's licenses as identification.

SEAL


Notary Public

Printed Notary Name

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. 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)

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)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1115**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

ERIKA SIPE
1155 VIKING DRIVE
PORT ORANGE, FL 32129
PARCEL ID: 6306-05-00-0390

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 August 10, 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), Erika Sipe, (hereinafter referred to as "Respondent(s)", whose mailing address is 1155 Viking Drive, Port Orange, FL 32129, is/are the owner(s) of the property located at 1155 Viking Drive, Port Orange, FL 32129, and more particularly described as:

LOT 39 VIKING SUB II MB 41 PG 7 PER OR 5214 PG 2838

B. The property has high weeds and grass that need to be mowed/trimmed; outside storage that needs to be properly stored in an enclosed building; and the disabled/unregistered vehicle must be covered with a standard vehicle cover or parked in an enclosed garage. These conditions were first observed at the real property described above on June 30, 2016; re-inspection was made on August 3, 2016 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall on July 11, 2016, that the aforesaid conditions constituted a violation of Article 2, Garbage, Junk and Undergrowth, Chapter 42 Nuisances, Section 42-26 Cleanliness of Property-Duty of owner (d) Maintenance of improved residential lots and Section 42-32 – Storage of vehicles, furniture, etc., as well as Article 2 Stopping, Standing, and Parking, Chapter 70 Traffic, Section 70-49 Restrictions on disabled or abandoned vehicles (c) Restrictions (1) and (2), and was to be corrected by July 21, 2016.

C. At the time of this hearing, 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), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

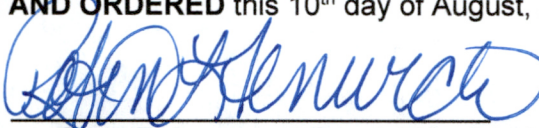
ORDER:

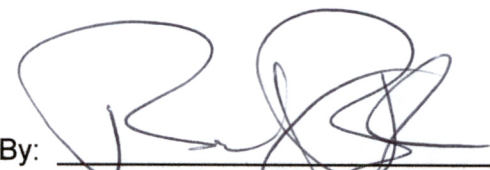
A. Respondent(s) shall correct the aforesaid violation by this ORDER on or before August 19, 2016. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$250.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. 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 \$34.34 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.

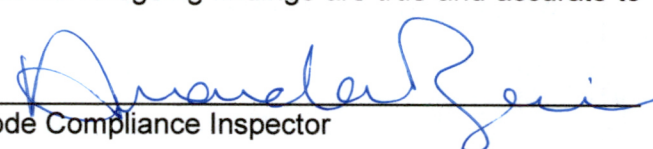
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 10th day of August, 2016.

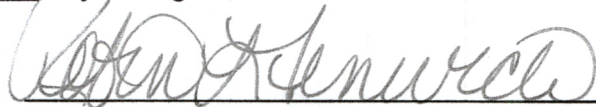
Attest: 
Secretary, Code Enforcement Special Magistrate

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), ERIKA SIPE, 1155 Viking Drive, Port Orange, FL 32129 by Certified and Regular Mail this 10 day of August, 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 10 day of August, 2016
By: 

/s/ Robin L. Fenwick

Case Cost Sheet Log

Case No. 16-1059

Name	Activity	Activity_Date	Status	Cost
Scott T. Gilroy	Notice of Violation/Notice of Hearings mailed to Respondent at 104 Tumbler Drive, Port Orange, FL 32129 (certified & regular)	07/11/2016	Certified mail returned "unable to forward"	\$7.34
Clerk of Court	Recording fee - Finding of Fact, Conclusion of Law & Order	08/10/2016		\$27.00
Scott T. Gilroy	Finding of Fact, Conclusion of Law & Order mailed to Respondent at 104 Tumbler Drive, Port Orange, FL 32129 (certified & regular)	08/10/2016		\$7.34
Clerk of Court	Recording Fee - Order Imposing Fine/Lien	09/14/2016		\$44.00
Scott T. Gilroy	Order Imposing Fine/Lien mailed to Respondent at 104 Tumbler Drive, Port Orange, FL 32129 (certified & regular)	09/14/2016		\$7.34

Total: 93.02



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1059

To: Scott T Gilroy
104 Tumbler Drive
Port Orange, FL 32129

Re: 104 Tumbler Drive
Port Orange, FL 32129
Parcel ID: 6308-03-00-1040

LEGAL DESCRIPTION: LOT 104 BRANDY HILLS UNIT 1 MB 34 PGS 110 & 111 PER OR 4934 PG 1679
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 29, 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 five days to correct. A re-inspection was done on July 5, 2016, resulting in non-compliance.

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

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

1. City of Port Orange Code of Ordinances, Chapter 42 Nuisances Article 2 Garbage Junk and Undergrowth, Sec. 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.
 - The entire yard needs to be mowed and all high weeds and grass need to be trimmed.
2. City of Port Orange Code of Ordinances, Garbage Junk and Undergrowth, Chapter 42 Nuisances Sec. 42-26. - Cleanliness of property 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.
 - All trash and debris on site needs to be removed, including but not limited to; newspapers, pennysavers, yard debris etc.

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 August 10, 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.

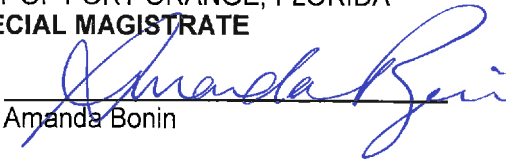
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **August 10, 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 **September 14, 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 11th day of July, 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 Scott T Gilroy 104 Tumbler Drive Port Orange, FL 32129, RE: 104 Tumbler Drive Port Orange, FL 32129, was

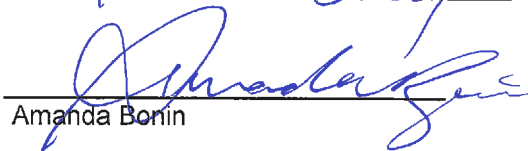
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 11th day of July, 2016.

Time: approx. 2:25 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 Scott T Gilroy 104 Tumbler Drive Port Orange, FL 32129, RE: 104 Tumbler Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 11 day of July, 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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[Property Information](#)

Parcel Information: 6308-03-00-1040 2016 Preliminary Tax Roll Last Updated: 07-10-2016

Owner Name and Address

Alternate Key	3601670	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6308-03-00-1040	Mill Group	402 Port Orange
Full Parcel ID	08-16-33-03-00-1040	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	GILROY SCOTT T		
Owner Name/Address 1			
Owner Address 2	104 TUMBLER DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	104 TUMBLER DR PORT ORANGE 32129		

Legal Description

LOT 104 BRANDY HILLS UNIT 1 MB 34 PGS 110 & 111 PER OR 4934 PG 1679

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4934 1679	09/2002	Warranty Deed	Qualified Sale	Yes	134,000
3936 4767	07/1994	Quit Claim Deed	Unqualified Sale	Yes	100
3936 4770	06/1994	Warranty Deed	Qualified Sale	Yes	74,900
2032 0309	11/1978	Warranty Deed	Qualified Sale	Yes	52,900
1931 1711	10/1977	Warranty Deed	Qualified Sale	Yes	38,000

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	11,868	87,176	11,003	110,047	110,047	104,666	0	110,047	0	104,666
2014	11,868	76,565	6,718	95,151	95,151	95,151	0	95,151	0	95,151

[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	86.0	100.0	86.00	FRONT FEET	150.00	92	100	100	100	11,868
Neighborhood	5992 BRANDY HILLS-UNIT 1 MB 34 PG										
											Total Land Classified
											0
											Total Land Just
											11,868

Building Characteristics

Building Number: 113104 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
113104	Single Family		184 1977	300		30%	0%	0%	2999
Rooft Type	GABLE	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0
Rooft 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	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	1977	N	0%	0%	1419 Sq. Feet	
002	Porch, Open Finished (FOP)	Non-Applicable	1.0	1977	N	0%	0%	28 Sq. Feet	
003	Finished Garage (FGR)	Non-Applicable	1.0	1977	N	0%	0%	504 Sq. Feet	

09/25/2002 15:29
Doc stamps 938.00

Return to:
Name:
Address:

(Transfer Amt \$ 134000)
Instrument # 2002-219247
Book: 4934
Page: 1679
Diane M. Matousek
Volusia County, Clerk of Court

This Instrument Prepared:

Andrea Swanto Boswell, C.L.C.
Southern Title of Central Florida, LLC.
404 SEABREEZE BLVD.
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):

6308-03-00-1040

Grantee(s) S.S.#(s):

File No:SB025780

WARRANTY DEED

This Warranty Deed Made the 20th day of September, 2002, by RANDY L. WILLIAMSON, hereinafter called the grantor, whose post office address is: 183 SIDDINGTON WAY, LEXINGTON, South Carolina 29073

to SCOTT T. GILROY, whose post office address is: 104 TUMBLER DR., PORT ORANGE, Florida 32129, 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 104, BRANDY HILLS - UNIT 1, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 34, PAGE 110, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

The property is not the homestead of the Grantor(s) nor does it lie adjacent or contiguous to his homestead property.

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 2001, 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:

Denise A. Cochran
Denise A. Cochran

RANDY L. WILLIAMSON

Witness Signature:

Printed Name:

Debbie M. Siedschlag
Debbie M. Siedschlag

Witness Signature:

Printed Name:

Witness Signature:

Printed Name:

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

The foregoing instrument was acknowledged before me this 19th day of September, 2002, by RANDY L. WILLIAMSON, who is/are personally known to me or who has/have produced driver license(s) as identification.

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) 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)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1059**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

SCOTT T. GILROY
104 TUMBLER DRIVE
PORT ORANGE, FL 32129
PARCEL ID: 6308-03-00-1040

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 July 11, 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), Scott T. Gilroy, (hereinafter referred to as "Respondent(s)", whose mailing address is 104 Tumbler Drive, Port Orange, FL 32129, is/are the owner(s) of the property located at 104 Tumbler Drive, Port Orange, FL 32129, and more particularly described as:

LOT 104 BRANDY HILLS UNIT 1 MB 34 PGS 110 & 111 PER OR 4934 PG 1679

B. The property has high weeds and grass that need to be mowed/trimmed and the trash and debris on site needs to be removed, including but not limited to: newspapers, Pennysavers, yard debris, etc. This condition was first observed at the real property described above on June 30, 2016; re-inspection was made on August 2, 2016 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall on July 11, 2016, that the aforesaid conditions constituted a violation of Chapter 42 Nuisances Article 2 Garbage, Junk and Undergrowth, Section 42-26 Cleanliness of property generally – duty of owner (d) Maintenance of Improved residential lots; and (f) Garbage, waste, trash etc. prohibited, and was to be corrected by July 21, 2016.

C. At the time of this hearing, 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), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

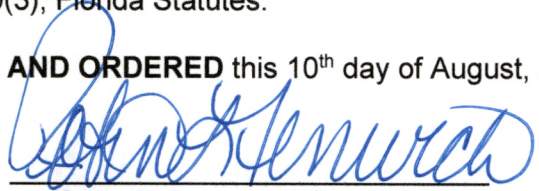
A. Respondent(s) shall correct the aforesaid violation by this ORDER on or before August 19, 2016 . ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$250.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. 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 \$41.68 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.

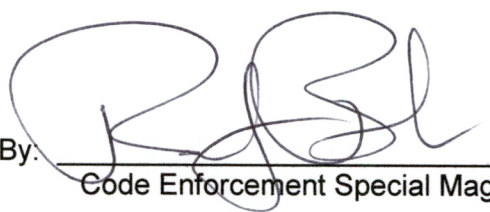
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 10th day of August, 2016.

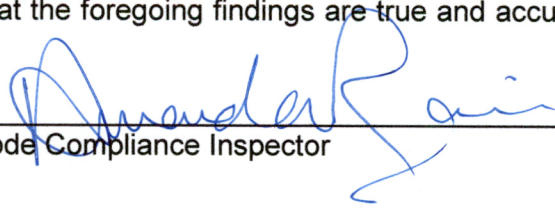
Attest:


Secretary, Code Enforcement Special Magistrate

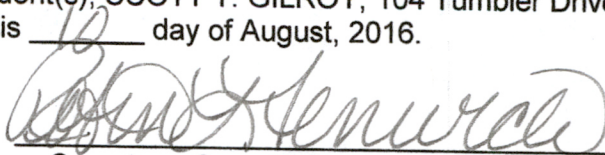
By:


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), SCOTT T. GILROY, 104 Tumbler Drive, Port Orange, FL 32129 by Certified and Regular Mail this 10 day of August, 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 10 day of August, 2016.
By: 

/s/ Robin L. Fenwick