

PORT ORANGE CODE ENFORCEMENT  
SPECIAL MAGISTRATE MINUTES  
COUNCIL CHAMBERS  
1000 CITY CENTER CIRCLE  
MAY 23, 2018

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:01 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector  
Amanda Bonin, Code Compliance Inspector  
Dennis Boehmer, Code Compliance Inspector  
Debbie Pearson, Code Enforcement Manager  
Robin Fenwick, City Clerk

Attorney Overview

Dispensed with the overview as no members of the public were present at this time of the meeting.

Consideration of Minutes

Special Magistrate Fuller approved the May 9, 2018 meeting minutes as presented.

Oaths

Code Compliance Inspectors Scott Allman, Amanda Bonin, and Dennis Boehmer were sworn in by Special Magistrate Fuller.

**B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)**

3. **CEB Case No.:** 17-1666

**Respondent:** Home Sweet Home Services, LLC

**Address of Violation:** 914 N. Lakewood Terrace, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 04/20/2018

Compliance: No

**Cited for violation(s)** - Sixth Edition (2017) Florida Building Code, Section 105.1 (Permits Requested) as adopted by Chapter 8, Article 1 of the City of Port Orange Land Development Code.

*Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before May 17, 2018 by restoring the porch to its original condition or by obtaining a permit for enclosing the porch. Reinspection was conducted on May 18, 2018 and found the property remains in non-compliance.*

*The property owner, Julie Anderson, was sworn in and testified as to the condition of the property. She did not get a permit because she didn't know she needed one as it was repairing hurricane damage. She has a contractor and has submitted the application for the permit. A survey is required, which will take approximately 30 days.*

*Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before August 7, 2018, with the hearing to set the fine/lien being August 8, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Allman requested any future violations under this ordinance being considered repeat. The cost sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.*

*Special Magistrate Fuller granted the recommendations as presented. The property owner has until August 7, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection or a \$100.00 daily fine will be imposed. The costs to date of \$41.28 will be ordered as well.*

**4. CEB Case No.: 17-1773**

**Respondent:** Matilde Stack

**Address of Violation:** 3834 Long Grove Lane, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 04/10/2018

Compliance: No

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

*Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before May 1, 2018 by replacing all rotten siding, which requires a permit, properly surface coating the siding (painting), and repairing or replacing the attic vent, replacement will require a permit as well. Re-*

*inspection was conducted on May 21, 2018 and found the property remains in non-compliance.*

*Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before June 18, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day should be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.*

*Yasmee St. Clair, Property Owner's daughter, was sworn in and testified as to the condition of the property. She asked for a compliance date in September. Ms. Bonin agreed to a later compliance date but recommended August 20, 2018 with a hearing date of August 22, 2018 if it is not in compliance.*

*Special Magistrate Fuller found the property in non-compliance with a compliance date of August 20, 2018. The Property Owner shall notify the code officer for re-inspection or a \$50.00 daily fine will be assessed. The costs to date of \$41.28 will be ordered as well. The hearing to set the fine/lien shall be held on August 22, 2018 should the property not be in compliance by August 20, 2018.*

### **C. ORDER IMPOSING FINE/LIEN**

**5. CEB Case No.:** 17-1642

**Respondent:** Valerie Potter

**Address of Violation:** 176 Iron Gate Circle, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 02/06/2018

Compliance: No

**Cited for violation(s)** - Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures; 108.1.3 Structure unfit for human occupancy; 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code and

Chapter 3, Section 301 General, 301.3 Vacant Structures and Land; Section 304, Exterior Structure, 304.13 Windows Skylight and door frames; and 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

*Ms. Bonin requested a continuance as asbestos was found on the property and the contractor could not move forward with abatement. Special Magistrate Fuller granted the continuance until June 27, 2018.*

**6. CEB Case No.:** 17-1397

**Respondent:** Lilly H. Ogden & Rose C.

**Address of Violation:** 43 Springwood Sq., Port Orange, FL 32129

**Code Officer:** Dennis Boehmer

**First Notified:** 02/02/2018

Compliance: No

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

*Dennis Boehmer, Code Compliance Inspector, was sworn in and requested an Order Setting Fine/Lien as the property was not in compliance on or before May 13, 2018 as ordered in the previous hearing on March 14, 2018 by the Special Magistrate. The property remains in non-compliance. The daily fine in the amount of \$250.00 began on May 14, 2018 with a total cost to date of \$2,500. A cost sheet for mailing and recording costs in the amount of \$113.84 was tendered and submitted into evidence without objection.*

*Special Magistrate Fuller found the property in non-compliance and awarded the daily fine of \$250.00 per day beginning May 14, 2018 for a total fine due in the amount of \$2,500 plus total costs of mailing and recording to date of \$113.84. The daily fine shall continue until the property is brought into compliance.*

**7. CEB Case No.:** 18-310

**Respondent:** Stacey L. Algieri

**Address of Violation:** 5245 Sydney Street, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 03/02/2018

Compliance: No

**Cited for violation(s)** - Chapter 42, Section 42-26 Cleanliness of property generally - Duty of owner (d) maintenance of improved residential lots, and (f) garbage, waste, trash, etc. prohibited; Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances, and

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.

Code Special Magistrate Minutes

May 23, 2018

Page 5 of 5

*Mr. Allman requested a continuance until June 27, 2018 to allow the vendor time to abate the violations. Special Magistrate Fuller granted the request.*

**ADJOURNMENT** – 9:52 a.m.

  
\_\_\_\_\_  
for Special Magistrate David Fuller