



CODE ENFORCEMENT BOARD HEARING AGENDA

MONDAY
MARCH 25, 2024 - 9:30 AM

TOWN COUNCIL CHAMBERS
4300 S. ATLANTIC AVE., PONCE INLET, FL

SUNSHINE LAW NOTICE FOR BOARD MEMBERS – Notice is hereby provided that one or more members of the Town Council or other Town Boards may attend and speak at this meeting.

A complete copy of the materials for this agenda is available at Town Hall.

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL & DETERMINATION OF QUORUM.
4. ADOPTION OF AGENDA.
5. DISCLOSURE OF EX-PARTE COMMUNICATION. *Code Enforcement cases are quasi-judicial and receipt of any information or discussion of any case outside of the public hearing is strongly discouraged. If a board member obtains any information or discusses any case outside the public hearing process, this information must be disclosed in detail by the board member prior to the presentation of the case and may not be considered by the board member when making any decision related to the case.*
6. ADMINISTERING THE OATH TO WITNESSES: Attorney Cino
7. APPROVAL OF THE MINUTES:
 - A. February 26, 2024
8. OLD BUSINESS:
 - A. Case # 2023-671: Property Address: 4740 South Atlantic Avenue #5
Owner(s): Javier & Maria Miller
Alleged Violation(s): Work requiring permits
 - B. Case # 2023-758: Property Address: 125 Ponce DeLeon Circle
Owner(s): Albert & Cyndee Jarrell
Alleged Violation(s): Unsafe Structure
9. NEW BUSINESS:
 - A. Case # 2023-779: Property Address: 4335 South Atlantic Avenue
Owner(s): Harriet Morris
Alleged Violation(s): Work requiring permits

- B. Case # 2024-149: Property Address: 4322 South Atlantic Avenue
Owner(s): Andrew Lampart
Alleged Violation(s): Property Maintenance Issue involving lot and/or dwelling

10. ATTORNEY DISCUSSION.

11. BOARD/STAFF DISCUSSION.

Case # 2023-076 – 4734 South Atlantic Avenue
Aisha Moore
Requested Update Discussion

12. ADJOURNMENT.

Next hearing date: Monday, April 22, 2024

If a person decides to appeal any decision made by the Code Enforcement Board with respect to any matter considered at a hearing, he/she will need a record of the proceedings and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who require accommodation to attend this hearing should contact the Clerk's office at 386-236-2150 by 4:00 pm at least 48 hours in advance of the meeting to request such assistance.



Meeting Date: March 25, 2024

Agenda Item: 7-A

Report to Code Enforcement Board

Topic: February 26, 2024 Hearing Minutes

Summary:

Staff has prepared the attached set of hearing minutes for the Board's review and approval.

Suggested motion:

To approve the attached set of hearing minutes As Presented - OR - As Amended

Requested by:

Ms. Stewart, Assistant Deputy Clerk

Approved by:

Mr. Disher, Town Manager



**Town of Ponce Inlet
Code Enforcement Board
Meeting Minutes
February 26, 2024**

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6 **1. CALL TO ORDER:** The meeting was called to order at 9:30 a.m. in the Council
7 Chambers, 4300 S. Atlantic Avenue, Ponce Inlet, Florida.
8

9 **2. PLEDGE OF ALLEGIANCE:** Led by Chair Finch.
10

11 **3. ROLL CALL & DETERMINATION OF QUORUM:**

12 **Board Members Present:**

13 Ms. Richards, Seat #1

14 Mr. Van Valkenburgh, Seat #2

15 Mr. Finch, Seat #3

16 Mr. Michel, Seat #4

17 Ms. Cannon, Seat #5

18 Mr. Fuess, Alternate Seat #1

19 Ms. Rij, Alternate Seat #2
20

21 A quorum was established with five members and two alternates present.
22

23 **Staff Members Present:**

24 Mr. Barnhart, Administrative Assistant

25 Attorney Cino, Code Board Attorney

26 Mr. Hooker, Code Compliance Manager

27 Mr. Lear, Planning & Development Director

28 Mr. Mincey, Rental Property Maintenance & Housing Inspector

29 Attorney Smith, Town Attorney

30 Ms. Stewart, Assistant Deputy Clerk
31

32 **4. ADOPTION OF THE AGENDA:** Vice-Chair Cannon moved to adopt the agenda as
33 presented; seconded by Mr. Michel. The motion PASSED 5-0, with the following vote: Vice-Chair
34 Cannon – yes; Mr. Michel – yes; Ms. Richards – yes; Mr. Van Valkenburgh – yes; Chair Finch –
35 yes.
36

37 **5. DISCLOSURE OF EX-PARTE COMMUNICATION:** None disclosed.
38

39 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the
40 *Oath* to the witnesses who intended to provide testimony.
41

42 **7. APPROVAL OF THE MINUTES:**
43

44 **A. January 22, 2024** – Chair Finch asked if there were any changes; Ms. Richards
45 noted that Senate Bill 280 was included in the discussion regarding short-term rentals and
46 requested that information be noted in the minutes.
47

48 Chair Finch moved to adopt the minutes as amended; seconded by Vice-Chair Cannon. The motion
49 PASSED 5-0, with the following vote: Chair Finch – yes; Vice-Chair Cannon – yes; Ms. Richards
50 - yes; Mr. Van Valkenburgh – yes; Mr. Michel – yes.

51

52 **8. OLD BUSINESS:**

53

54 **A. Case # 2023-671: Property Address: 4740 South Atlantic Avenue #5**

55 **Owner(s): Jamie & Maria Miller**

56 **Alleged Violations(s): Work requiring permits**

57

58 Mr. Mincey reviewed the case history, noting that the case was presented to this board on January
59 22, 2024, which found the owners in violation of the cited sections of code. They were granted 14
60 days or until February 5, 2024, to correct the violations and were assessed the \$250 administrative
61 fee. Staff received a letter from the owner dated February 2, 2024, stating that the owner would be
62 out of town for two weeks and would resolve the matter afterwards. As of today, the town has not
63 received a permit application for the newly installed door. Mr. Miller is present to speak on this
64 matter. Mr. Miller stated that the sliding door on the second floor of his property was destroyed on
65 September 23, 2023, during Hurricane Ian. He provided background information on the purchase
66 of three different sliding doors from Lowe's as their installers had advised purchasing doors that
67 meet hurricane requirement on each of their trips to install the door. He explained that Lowe's had
68 provided him with contractor contact information on each trip to Lowe's to purchase each door.
69 He called for the inspection on September 27, 2023, and on arrival, Mr. Mincey informed him that
70 Lowe's had cancelled the permit and he would need to secure one through a licensed contractor.
71 Mr. Miller stated he contacted three contractors, two of whom are too expensive, and one that
72 refused the job because he did not install the door and it would put his license at risk. He asked the
73 Board for advice and the name of a licensed, honest contractor who will pull the permit. Mr.
74 Hooker stated a list of licensed contractors is available through the Town's building division. Mr.
75 Hooker asked who installed the door for Mr. Miller. Mr. Miller replied it was a Lowe's employee
76 of 20 years. Mr. Van Valkenburgh asked if Mr. Miller had a permit through Lowes from the
77 beginning. Mr. Hooker replied yes; however, the contractor cancelled the permit stating that Mr.
78 Miller wanted to cancel it because they were not installing the door. Mr. Miller explained he never
79 cancelled the permit; he did not ask for another permit because he had already paid for it. He is
80 taking legal action against Lowes due to this situation. Ms. Richards asked for clarification that
81 the door is installed, and there was no permit for the installation. Mr. Hooker restated the history
82 of the case. Discussion ensued regarding the steps Mr. Miller had taken to install the door, and the
83 various contractors he contacted to secure the permit for him.

84

85 Mr. Van Valkenburgh moved to find the owner performed his due diligence; paid the \$250
86 administrative fee; and recommended this case be closed; seconded by Mr. Michel.

87

88 Chair Finch stated the Board cannot close the case as the permit still needs to be secured and the
89 door inspected.

90

91 Mr. Van Valkenburgh amended the motion to grant the owner 30 days to secure the proper permit
92 and to issue a \$25 per day fine if not in compliance by that timeframe. Motion died for lack of a
93 second.

94

95 Chair Finch moved to grant the owner until the next meeting on March 25, 2024, to bring the
96 property into compliance or be brought back for further adjudication.

97

98 Mr. Van Valkenburgh asked staff if the property could be inspected within that timeframe. Mr.
99 Hooker explained yes; however, it depends on the permitting.

100
101 Mr. Van Valkenburgh seconded the motion. The motion PASSED 5-0, with the following vote:
102 Chair Finch – yes; Mr. Van Valkenburgh – yes; Vice Chair Cannon – yes; Ms. Richards – yes;
103 Mr. Michel – yes.

104
105 **B. Case # 2023-758: Property Address: 125 Ponce DeLeon Circle**
106 **Owner(s): Albert & Cyndee Jarrell**
107 **Alleged Violation(s): Unsafe Structure**
108

109 Mr. Mincey reviewed the case history, noting that the case was presented to this board on January
110 22, 2024, which found the owners in violation of the cited sections of code. The owner was granted
111 14 days or until February 5, 2024, to bring the property into compliance. Staff has since received
112 correspondence from CRA & Associates, Inc. stating the owner has retained their services and
113 they are in the process of obtaining the necessary documents required to apply for the permit.
114 Based on the owner’s good faith efforts, staff would like to extend the compliance deadline to
115 March 5, 2024, based on the timeframe provided by CRA & Associations, Inc. In the event the
116 March 5, 2024, deadline is not met, staff will bring this case back for further adjudication at the
117 March 25, 2024 meeting.

118
119 Chair Finch moved to extend the compliance deadline to March 5, 2024, or be brought back at
120 the next hearing for further adjudication; seconded by Vice-Chair Cannon.

121
122 Mr. Van Valkenburgh asked if the March 5, 2024, deadline is enough time. Mr. Mincey explained
123 that the deadline follows the timeframe requested by CRA & Associates. Mr. Van Valkenburgh
124 asked if that date includes approval of the permits. Mr. Mincey replied it is for the submittal of the
125 permit application. Mr. Fuess asked if the structure was to be deemed safe by March 5, 2024, or
126 have the permit secured. Mr. Hooker replied that once the permit is secured, work will begin to
127 make the structure safe. Mr. Fuess asked what happens if the structure remains unsafe. Attorney
128 Smith explained that once the permit is issued, it is in the permitting process. If it fails inspection,
129 and it cannot be resolved or the permit expires, it will be brought back as a new case.

130
131 The motion PASSED 5-0, with the following vote: Chair Finch – yes; Vice Chair Cannon – yes;
132 Mr. Van Valkenburgh – yes; Ms. Richards – yes; Mr. Michel – yes.

133
134 **9. NEW BUSINESS:**

135
136 **A. Case # 2024-144; Property Address: 4624 Harbour Village Blvd. #4504**
137 **Owner(s): Loy Van Crowder & Patricia Parera**
138 **Alleged Violation(s): Expired Rental Permit**
139

140 Mr. Mincey provided testimony and photographic evidence of the cited violations and the
141 expiration of a rental permit. Certified letters were sent and signed by the owners on February 2,
142 2024. Renewal paperwork needing licensure was received on February 22, 2024, five days after
143 the February 16, 2024, compliance date. Staff requests the property be found in non-compliance,
144 is now in compliance, assess the \$250 administrative fee and dismiss the case. Ms. Richards asked
145 for confirmation that the owner has obtained the permit and if they are now in compliance with
146 the other cited code violations. Mr. Mincey replied staff have received the renewal paperwork; the
147 delay was for the needed licensures which have been provided to the town. Mr. Van Valkenburgh

148 asked if the owner paid the \$100 late fee. Mr. Mincey replied yes. Ms. Richards asked why they
149 were found in violation of 2.40 of the code. Mr. Hooker explained that is the interpretation of the
150 use of the structure; once the permit expired, they were in violation of the use of the property by
151 renting it. Mr. Mincey further explained that the owners previously contracted with Ponce Inlet
152 Realty and are no longer using them; therefore, they had to apply for the licensures on their own
153 which caused the delay in the renewal of the rental permit. Chair Finch asked when renewals are
154 due. Mr. Mincey stated it follows the town's fiscal year so it would be October 1. Mr. Van
155 Valkenburgh noted the owners were notified in August, September, and October; they received
156 the new tax identification on December 7, 2023, and are now in compliance. Ms. Richards asked
157 if the property was being rented during that time. Mr. Mincey replied it is an ongoing rental; he
158 confirmed with the prior rental company that the property is no longer being rented by them and
159 the owner has been securing their own independent rentals. Discussion continued regarding the
160 permitting process for rental properties.

161

162 Mr. Van Valkenburgh moved to assess the \$250 administrative fee.

163

164 Ms. Richards asked if the required rental activity annual report had been received from the owner.
165 Mr. Mincey explained that tenant activity report was due February 1, 2024; it has not yet been
166 received; a copy of the document was provided to the owner asking that it be completed. The
167 owner has indicated that she would provide it this week. If it is not received by the last day of the
168 month, it will be a separate violation. Discussion continued.

169

170 Ms. Richards moved to find the property in non-compliance; the property is now in compliance;
171 and assessed the \$250 administrative fee; seconded by Vice Chair Cannon. The motion PASSED
172 5-0, with the following vote: Ms. Richards – yes; Vice Chair Cannon – yes; Chair Finch – yes;
173 Mr. Van Valkenburgh – yes; Mr. Michel – yes.

174

- 175 **B. Case #2024-145; Property Address: 4749 South Peninsula Drive**
176 **Owner(s): Vallerie Yellam & Savanna Schlager**
177 **Alleged Violation(s): Expired Rental Permit**

178

179 Staff requested this case be withdrawn.

180

- 181 **C. Case #2024-148; Property Address: 4601 South Atlantic Avenue #703**
182 **Owner(s): Atlantic Unit 7030 LLC**
183 **c/o Alan & Mitchell Wiginton, owners**
184 **Alleged Violation(s): Expired Rental Permit**

185

186 Staff requested this case be withdrawn.

187

188 **11. BOARD/STAFF DISCUSSION:** Mr. Van Valkenburgh asked for an update on the
189 property located at 4734 S. Atlantic Avenue; nothing has been done to the property and there are
190 unsafe conditions. Mr. Hooker explained there is an active permit for the deck, roof, and other
191 repairs; the permit is valid for six months after an approved inspection. Attorney Smith requested
192 an update on this property be included on the next agenda. Chair Finch thanked Attorney Smith
193 for explaining short-term rentals at the last Town Council meeting. Attorney Smith noted that the
194 same issues are arising all over the state; control should return to the local government, but he does
195 not see that happening.

196

197 **12. ADJOURNMENT:** The hearing was adjourned at 10:21 a.m.

198 Next hearing date: Monday, March 25, 2024

199

200 Respectfully submitted by,

201

202

203 _____
Debbie Stewart, FCRM

204 Assistant Deputy Clerk

DRAFT



Meeting Date: March 25, 2024

Agenda Item: 8-A

Report to Code Enforcement Board

Topic: Case #2023-671
Owner(s): Jamie & Maria Miller
Property Address: 4740 South Atlantic Avenue #5
Violation(s): Work requiring permits

Summary: On January 22, 2024, this case was presented to the Board. The owner(s) were found in non-compliance and granted until February 5, 2024 to obtain the required permits. At the February 26, 2024 Code Enforcement Board hearing, the Board issued an order extending time for compliance until the next scheduled meeting (March 25, 2024) to cure the violation.

Staff will provide updated testimony and evidence regarding this case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board
THROUGH: Drew Smith, Town Attorney
FROM: David Hooker, Code Compliance Manager
DATE: March 11, 2024
DATE OF MEETING: March 25, 2024

Case Number: 2023-671
Address: 4740 South Atlantic Avenue # 5

Alleged Violation:
Work performed requiring permits.

Florida Building Code
Section 105.1 – Required

Brief History:

On September 27, 2023, Town staff reached out to the property owner of 4740 South Atlantic Avenue #5 to confirm whether a sliding door changeout had taken place, as the contractor had withdrawn their permit.

During the conversation with the property owner, Mr. Miller, it was revealed that the original contractor's delays prompted him to engage an alternative contractor for the door installation, without obtaining the required permits.

Mr. Miller guided our staff to the upstairs bedroom, where the newly installed door was documented. It was then communicated to Mr. Miller that he should obtain the necessary permits for the door installation, necessitating the involvement of a licensed contractor. Furthermore, he was informed about the requirement for an inspection to ensure proper installation.

At the Code Enforcement Board Hearing on January 22, 2024, the Board found the owners in violation of the cited sections of adopted code. The owners were granted 14 days (on or before February 5, 2024) to obtain the required permits.

On February 8, 2024, the property owner came to Town Hall and paid the \$250 administrative fee and provided a letter to staff advising that they will be out of Town for 2 weeks on vacation and as soon as they return, they would do their best to resolve this issue.

At the February 26, 2024, Code Enforcement Board Hearing. the Board issued an order extending time for compliance. The owner has until the next scheduled meeting (March 25, 2024) to cure the violation.

Recommendation:

The property to be found in non-compliance and assess the fine in accordance with Florida statutes Chapter 162.09.

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2023-671

JAVIER & MARIA MILLER,

Respondents.

ORDER EXTENDING TIME FOR COMPLIANCE

This cause was heard on the 26th day of February, 2024 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondents and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

1. Respondents are the owners of property located at 4740 South Atlantic Avenue #5, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6419-20-00-0050 (the "Subject Property").
2. On September 27, 2023, the Rental Housing Inspector issued a Notice of Violation to Respondents citing a violation of Sections 105.1 of the Florida Building Code as adopted by the Town of Ponce Inlet.
3. On January 22, 2024, the Code Enforcement Board entered an Order requiring Respondents to cure the violation on or before February 5, 2024.
4. Respondents have requested additional time in which to cure the violation.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

5. Respondents shall be allowed additional time within which to cure the violations. Specifically, Respondents shall be allowed until prior to the March 25, 2024 hearing to cure the violation by obtaining the required building permit through the Town of Ponce Inlet. The Code Enforcement Board shall consider this matter and Respondents' compliance at the hearing on March 25, 2024 as necessary.

6. Any violation of the same code section by any Respondent within five years of the date of this Order may be prosecuted as a repeat violation pursuant to Chapter 162, Florida Statutes.

ORDERED at Ponce Inlet, Volusia County, Florida on this 26TH day of February 26, 2024.



Peter Finch, Chairperson
Code Enforcement Board

ATTEST:



Debbie Stewart
Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondent by U.S. Mail, First Class, the 28 day of February, 2024.



David Hooker, Code Compliance Manager



Meeting Date: March 25, 2024

Agenda Item: 8-B

Report to Code Enforcement Board

Topic: Case #: 2023-758
Owner(s): Albert & Cyndee Jarrell
Property Address: 125 Ponce DeLeon Circle
Violation(s): Work requiring permits

Summary: On January 22, 2024, this case was presented to the Board. The owners were found in non-compliance and granted until February 5, 2024 to obtain the required permits. At the February 26, 2024 Code Enforcement Board hearing, the Board issued an order extending time for compliance until March 5, 2024 to cure the violation.

Staff will provide updated testimony and evidence regarding this case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested Motion: To be determined by the Board after update has been provided.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board
THROUGH: Drew Smith, Town Attorney
FROM: David Hooker, Code Compliance Manager
DATE: March 11, 2024
DATE OF MEETING: March 25, 2024

Case Number: 2023-758
Address: 125 Ponce DeLeon Circle

Alleged Violation:
Work performed requiring permits

Florida Building Code
Section 116.1 – Conditions

International Property Maintenance Code
Section 101.1 – General
Section 108.1.5 (3) & (7) - Dangerous Structures or Premises
Section 301.3 – Vacant structures and land
Section 302.7 – Accessory Structures

Brief History:

On March 31, 2022, a contractor submitted a permit application (285-2022) for the reconstruction of a seawall at the specified location. Upon commencement of the work, inspections revealed deviations from the approved plans, leading to the issuance of a STOP WORK ORDER.

Over the following weeks, the contractor collaborated with the staff to address the STOP WORK ORDER issue. On February 15, 2023, recognizing the impending expiration of the permit, the contractor formally requested an extension to prevent permit expiration.

During this period, the property owner decided to sell the property to Mr. & Mrs. Jarrell, the current owners, in April 2023. Seeking resolution, the Jarrell's consulted with the Town Building Official, who provided guidance on addressing the permitting challenges.

Unfortunately, the permit expired during the resolution process, and consequently, no further work transpired. Thus, a notice of violation/hearing was issued, citing the structure as unsafe.

Since receiving the original certified letter, the Jarrell's have engaged in communication with the Building Department once again to actively resolve the outstanding issues.

At the Code Enforcement Hearing on January 22, 2024, the owner was found to be in violation of the cited sections of the Codes. The owners were granted 14 days (on or before February 5, 2024) to secure the required permits.

On February 9, 2024, Mr. Jarrell paid the \$250 administration fee and informed staff that he was working on securing permit and that should be completed by the end of the following week (February 16, 2024)

On February 26, 2024, at the Code Enforcement Board Hearing, the Board issued an order extending the time for compliance. The owner is required to cure the violation before March 5, 2024, or this case is scheduled to be brought back for further adjudication at the March 25, 2024 hearing date.

As of the date of this memorandum, there is no active permit for the seawall, and the structure remains in an unsafe condition, however, the owner has advised that efforts are ongoing to rectify the situation and secure the necessary approvals.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2023-758

ALBERT & CYNDEE JARRELL,

Respondents.

ORDER EXTENDING TIME FOR COMPLIANCE

This cause was heard on the 26th day of February, 2024 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondents and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

1. Respondents are the owners of property located at 125 Ponce DeLeon Circle, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6430-01-00-0030 (the "Subject Property").
2. On November 14, 2023, the Code Compliance Manager issued a Notice of Violation to Respondents citing a violation of Sections 116.1 of the Florida Building Code and sections 108.1, 108.1.5, 301.3, 302.7 of the International Property Maintenance Code, as adopted by the Town of Ponce Inlet.
3. On January 22, 204, the Code Enforcement Board entered an Order requiring Respondents to cure the violations on or before February 5, 2024.
4. The Respondents have requested an extension of time to cure the violations.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

5. Respondents shall cure the violation before March 5, 2024 by obtaining the required building permit through the Town of Ponce Inlet. Failure to obtain will result in this case being brought back for further consideration at the March 25, 2024, hearing.

6. Any violation of the same code section by any Respondent within five years of the date of this Order may be prosecuted as a repeat violation pursuant to Chapter 162, Florida Statutes.

ORDERED at Ponce Inlet, Volusia County, Florida on this 26TH day of February 26, 2024.



Peter Finch, Chairperson
Code Enforcement Board

ATTEST:


Debbie Stewart
Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondent by U.S. Mail, First Class, the 28 day of February, 2024.


David Hooker, Code Compliance Manager



Meeting Date: March 25, 2024

Agenda Item: 9-A

Report to Code Enforcement Board

Topic: Case #2023-779
Owner(s): Harriet Morris
Property Address: 4335 South Atlantic Avenue
Alleged Violation(s): Work requiring permits

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board
THROUGH: Drew Smith, Town Attorney
FROM: David Hooker, Code Compliance Manager
DATE: March 11, 2024
DATE OF MEETING: March 25, 2024

Case Number: 2023-779
Address: 4335 South Atlantic Avenue

Alleged Violation:
Work performed requiring permits

Florida Building Code
Section 105.1 – Required

Brief History:

In December 2023, staff noticed a beach walk-over that had been recently constructed without permits and appeared to not meet the setback requirements of the Town.

Contact was made with the owner, and she was advised of the situation. The owner stated that she will have the contractor secure the required permits.

In January 2024, staff spoke with Ms. Morris about the unpermitted work, and she advised that her contractor was working on resolving the issue.

After an extended period of time, staff sent a formal notice of violation/hearing to the owner on February 20, 2024, with a compliance date of March 15, 2024.

On March 7, 2024, staff once again spoke to the owner advising of the pending compliance date. Ms. Morris stated that she will have her contractor contact staff.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2023-000779**

Case Type: **Code Enforcement**

Date Case Established: **12/07/2023**

Compliance Deadline: **3/15/2024**

Violation Notice

Owner: Harriet Morris

Mailing Address

4335 South Atlantic Avenue
Ponce Inlet, FL 32127

Notice of Violation for the following location:

4335 S ATLANTIC AV
PONCE INLET, FL 32127

AddressParcel

6313-01-00-0090

This violation letter is to inform you that a violation has been observed at the property in which according to the Volusia County Property Appraiser’s Office, the property is owned by you located in Ponce Inlet, Florida.

The Violation and how to corrected are:

1 – beach / dune walkover – no permits

How to Correct:

Item number 1 – secure required permits and obtain inspection approvals or have the structure removed.

You are hereby cited with the following sections of adopted Town Code.

**Florida Building Code
Section 105.1 – Required**

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

Compliance Date: 3/15/2024

If you are unable to meet the required compliance date, this case will be referred to the Town’s Code Enforcement Board for a hearing scheduled for March 25, 2024, at 9:30 A.M. located at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

If you are found to be in violation of the cited sections of Town code, a daily fine of up to \$250 per day per violation may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.

Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that is owned by you in the state of Florida in accordance with Florida Statutes 162.09(3).



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2023-000779**

Case Type: **Code Enforcement**

Date Case Established: **12/07/2023**

Compliance Deadline: **3/15/2024**

Violation Notice

If you should have any questions related to this matter, please do not hesitate to contact my office.

Kindest Regards



David Hooker, CEP
Code Compliance Manager

Certified Mail
9589-0710-5270-1429-4718-50



Meeting Date: March 25, 2024

Agenda Item: 9-B

Report to Code Enforcement Board

Topic: Case #2024-149
Owner(s): Andrew Lampart
Property Address: 4322 South Atlantic Avenue
Alleged Violation(s): Property maintenance issue involving lot and/or dwelling

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board
THROUGH: Drew Smith, Town Attorney
FROM: David Hooker, Code Compliance Manager
DATE: March 11, 2024
DATE OF MEETING: March 25, 2024

Case Number: 2024-149
Address: 4322 South Atlantic Avenue

Alleged Violation:
Property Maintenance Issues involving home.

International Property Maintenance Code
Section 102.2 – Maintenance
Section 301.2 – Property Maintenance
Section 304.7 – Roof and Drainage

Brief History:
On January 31, 2024, staff noticed a torn tattered blue tarp attached to the home blowing in the wind. Attempt was made to contact the owners but to no avail.

After a few weeks of no contact staff sent a formal notice of violation/hearing by certified mail to the owners on February 20, 2024 which was received on February 29, 2024.

As of today's date, no permit application been submitted for any repairs and the tattered tarp remains on the roof.

Recommendation:
The property to be found in non-compliance and assess the fine in accordance with Florida statutes Chapter 162.09.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000149**

Case Type: **Code Enforcement**

Date Case Established: **01/31/2024**

Compliance Deadline: **03/15/2024**

Violation Notice

Owner: Andrew J. Lampart

Mailing Address

4322 South Atlantic Avenue
Ponce Inlet, Florida 32127

Notice of Violation for the following location:

Address

4322 S ATLANTIC AVENUE
PONCE INLET, FL 32127

Parcel

6313-01-00-0130

This violation letter is to inform you that a violation has been observed at the property in which according to the Volusia County Property Appraiser's Office, the property is owned by you located in Ponce Inlet.

The violation and how to correct are:

1 – blue tarp on roof (indication of the roof in needed repair)

How to correct:

Item number 1 – either remove blue tarp and or make necessary repairs to roof

You are hereby cited with the following sections of adopted Town Code

International Property Maintenance code

Section 301.2 – Property Maintenance

Responsibility. the owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.

Occupant of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

International Property Maintenance Code

Section 102.2 – Maintenance

Equipment, systems, devices and safeguards required by this code or a provision regulation or under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this section to be removed from or shut off from or disconnected for



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000149**

Case Type: **Code Enforcement**

Date Case Established: **01/31/2024**

Compliance Deadline: **03/15/2024**

Violation Notice

any occupied dwelling, except for such temporary interruptions as necessary while repairs or alterations are in progress. The requirement of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

International Property Maintenance Code

Section 304.7 – Roofs and drainage

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

Compliance Date: 03/15/2024

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Kindest Regards,

David Hooker, CEP
Code Compliance Manager

Certified Mail
9589-0710-5270-1429-4718-43