



CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MONDAY
June 23, 2025 - 9:30 AM

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

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

1. CALL TO ORDER.
2. APPROVAL OF MINUTES:
 - A. May 19, 2025
3. ADMINISTERING THE OATH TO WITNESSES.
4. OLD BUSINESS:
 - A.. **Case # 2025-572**
Arnoldo Larrazabal & Denese Carty
122 Old Carriage Road
Alleged Violation: Work performed requiring permits
5. NEW BUSINESS:
 - A. **Case # 2025-682**
Ocean Support Inc.
c/o Charles J. Schammel
4950 South Peninsula Drive
Alleged Violation: Work performed requiring permits
 - B. **Case # 2025-1482**
Helen Hill
72 Seawinds Circle
Alleged Violation: Right of way maintenance
 - C. **Case # 2025-1552**
Andrew Lampert
4322 South Atlantic Avenue
Alleged Violation: Property maintenance issue involving dwelling
6. ADJOURNMENT.

Next hearing date: Monday, July 28, 2025

If a person decides to appeal any decision made by the Special Magistrate 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: June 23, 2025

Agenda Item: 2-A

Report to Code Enforcement Board

Topic: May 19, 2025 Hearing Minutes

Summary:

Staff has prepared the attached set of hearing minutes for the Magistrates'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 Special Magistrate

Meeting Minutes

May 19, 2025

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

3
4 **Staff Members Present:**

5 Mr. Disher, Town Manager
6 Mr. Hooker, Code Compliance Manager
7 Ms. Hornbuckle, Code Administrative Assistant
8 Mr. Lear, Planning & Development Director
9 Attorney Smith, Town Attorney
10 Ms. Stewart, Assistant Deputy Clerk
11 Special Magistrate Velo
12

13 **2. APPROVAL OF THE MINUTES:**

14
15 A. **April 28, 2025** - Special Magistrate Velo approved the April 28, 2025, meeting minutes as
16 presented.
17

18 **3. ADMINISTERING THE OATH TO WITNESSES:** Assistant Deputy Clerk Stewart
19 administered the Oath to those intending to provide testimony. (*Performed prior to Item 2)
20

21 **4. OLD BUSINESS:**

22
23 **A. Case #2025-511**

24 Charles Doyle
25 57 Daggett Cove Drive
26 Alleged Violation: Property maintenance issues involving roof
27

28 Mr. Hooker explained this case was presented at last month's hearing; the property was found in violation
29 of the cited sections of code and was granted until May 16, 2025, to either have the roof repaired or return
30 for today's hearing. The \$250 administrative fee was also assessed. On May 2, 2025, staff confirmed the
31 shingles on the roof had been repaired, bringing the property into compliance. Staff is requesting an order
32 of compliance, to confirm the outstanding \$250 administrative fee and to dismiss the case upon payment.
33 Special Magistrate Velo inquired whether any additional costs had been incurred; staff confirmed that
34 none had. She also asked how notice of today's hearing was provided and Mr. Hooker explained the order
35 was sent to the property owner via first-class mail, in accordance with F.S. 162.
36

37 Special Magistrate Velo found the property in compliance; reiterated the \$250 administrative fee; and
38 ordered the case dismissed once the administrative fee is paid.
39

40 **B. Case #2025-541**

41 Mountain View Enterprises LLC
42 Attention: David & Lorna Baker, Owners
43 4339 South Atlantic Avenue

44 Alleged Violation: Work performed requiring permit
45

46 Mr. Hooker explained this case was presented at last month's hearing; the property was found in violation
47 of the cited sections of code. The \$250 administrative fee was assessed and the property owners were
48 granted until May 16, 2025 to secure the building permit. The permit was issued on May 15, 2025. The
49 property is now in compliance with the cited code sections; however, the administrative fee remains
50 outstanding. The necessary repairs will proceed now that the permit has been obtained, and it is expected
51 that the violation will be resolved through this process. The violation stemmed from work completed
52 without a permit. Specifically, the fence was constructed out of compliance with code and the permit will
53 now allow the owner to correct that issue. Attorney Smith clarified that the violation was for unpermitted
54 work and that the recent compliance steps are intended to resolve the matter before further enforcement is
55 necessary. Mr. Steve Taylor, a neighbor residing at 4338 S. Atlantic Avenue, questioned how the property
56 could be deemed compliant considering the ongoing nature of this issue. Special Magistrate Velo
57 responded that the matter currently before her concerns whether the property has obtained the required
58 permit. She acknowledged that the process may continue, as it appears the fence may not currently comply
59 with the scope of the permit. Mr. Hooker stated he will explain the situation to Mr. Taylor in more detail
60 after the meeting.
61

62 Special Magistrate Velo found the property in compliance, reiterated the \$250 administrative fee and
63 ordered the case dismissed once the administrative fee is paid.
64

65 **C. Case # 2025-572**
66 **Arnoldo Larrazabal & Denese Carty**
67 **122 Old Carriage Road**
68 **Alleged Violation: Worked performed requiring permits**
69

70 Mr. Hooker stated that this case was heard on April 28, 2025, when the property was found in violation
71 of the cited sections of code. The \$250 administrative fee was assessed and the owner was ordered to
72 secure the required building permits and comply by May 16, 2025, or return for further adjudication. The
73 permit application was submitted on May 13, 2025 and is currently under staff review. Staff requested a
74 continuance to the next hearing on June 23, 2025, if the permit is not secured. Special Magistrate Velo
75 asked if a daily fine was being requested. Attorney Smith explained that since the application was
76 submitted before the May 16 compliance date and is under review, no fines are requested at this time. If
77 the application is insufficient and issues remain, fines may be sought at the next hearing.
78

79 Special Magistrate Velo continued this case to next month.
80

81 **5. ADJOURNMENT:** The hearing was adjourned at 9:44 a.m.
82

83 Next hearing date: Monday, June 23, 2025
84

85 Respectfully submitted by,
86

87 Draft
88

88 Stephanie Velo
89 Special Magistrate



Meeting Date: June 23, 2025

Agenda Item: 4-A

Report to Code Enforcement Special Magistrate

Topic: Case #2025-572
Arnoldo Larrazabal & Denese Carty
122 Old Carriage Road
Alleged Violation(s): Work performed requiring permits

Summary: Staff will provide testimony and evidence regarding the following case.

Suggested motion: To be determined by the Magistrate 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: Stephaine Velo, Special Magistrate
FROM: David Hooker, Code Compliance Manager
DATE: June 16, 2025

DATE OF MEETING: June 23, 2025

Case Number: 2025-572
Address: 122 Old Carriage Road
Alleged Violation: Construction requiring permits
Property Owner(s): Arnaldo Larrazabal & Denese Carty

Synopsis of Violation:

On March 6, 2025, staff observed construction work being done on the front of this home. Staff spoke with the contractor and discovered that additional work was being performed at the rear of the home also.

Ultimately, on April 28, 2025, this case was presented to the Special Magistrate, who found the owners to be in violation of section 105.1 of the Florida Building Code, as adopted by Town code.

Owners were granted until May 16, 2025, to submit the required building permit application for the work performed.

At the May 23, 2025 Special Magistrate hearing, staff testified that the owners had applied for the required permit prior to the compliance date granted by the Special Magistrate. Staff advised that the permit was going through the review process and requested that the case be continued till the next scheduled hearing date of June 23, 2025.

Timeline of Events:

- **March 6, 2025** – Staff observed work requiring permits. Staff contacted the individual performing work, and a Stop Work order was posted.
- **March 13, 2025** – Staff sent a formal Notice of Violation and Hearing by certified mail.
- **March 19, 2025** – Owners received certified letter.
- **March 25, 2025** – The owners' representative visited Town Hall to discuss the violation and stated that a permit application would be submitted before the compliance deadline.
- **April 15, 2025** – No further communication from the owners or their representative. Additionally, no permit application had been submitted for the work involved.
- **April 28, 2025** – The case was presented to the Special Magistrate. The owners were found to be in violation of the adopted sections of Town code. The owners were granted until May 16, 2025 to submit the required building application and a \$250 administrative fee was also imposed.
- **May 13, 2025** – The owners submitted a building permit application for the work being performed.
- **May 19, 2025** – Staff requested a continuance to allow time for permit review staff to conduct the review of the building permit application.
- **May 30, 2025** – Plan review was completed, and the owners were notified that the permit is ready for pick up. The permit was picked up by the homeowners on the same day.

Recommendation:

Staff recommends that the property be found in compliance with the Special Magistrate's order of April 28, 2025.

The one-time administrative fee of \$250 remains unpaid and shall be recorded into the public records of Volusia County, which will constitute a lien of this property and any other

properties that the owners own in the state of Florida in accordance with Florida Statute 162.09(3).

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2025-572

Arnaldo Larrazabal & Denese Carty,

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This cause was heard on the 28th day of April 2025 by the Code Enforcement Special Magistrate of the Town of Ponce Inlet after due notice to Respondents and a public hearing, and the Code Enforcement Special Magistrate, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

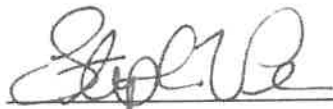
1. Respondents are the record owners of property located at 122 Old Carriage Road, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6313-01-00-0720 (the "Subject Property").
2. On March 19, 2025, the Code Compliance Manager issued a Notice of Violation to Respondents citing a violation of Section 105.1 of the Building Officials Association of Florida's (BOAF) Model Administrative Code (2023) for the Florida Building Code, 8th Edition (2023), as adopted by Section 18-31 of the Town of Ponce Inlet Code of Ordinances.
3. Respondents were properly served with the Notice of Violation as specified in Section 162.12, Florida Statutes.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

4. Respondents are in violation of the above cited code provisions, as further described in the Notice of Violation served upon Respondents.
5. Respondents and the Subject Property have remained in violation of the cited code provisions after the compliance deadline set forth in the Notice of Violation.
6. Respondents shall pay to the Town of Ponce Inlet the administrative costs incurred by the Town in prosecuting this case in the amount of \$250.00.


7. Respondents shall bring the Subject Property into compliance with the cited code provisions on or before May 16, 2025, by obtaining the required building permit from the Town of Ponce Inlet. Failure to obtain the required building permit will result in this case being brought back for further adjudication at the May 19, 2025, hearing, at which daily code enforcement fines in the amount of up to \$250.00 per day may be imposed.
8. 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 12th day of May 2025.



Stephaine Velo
Special Magistrate

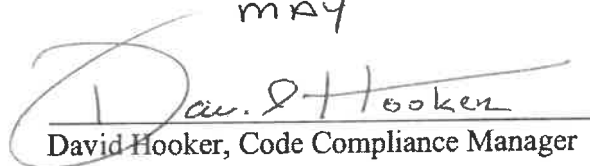
ATTEST:



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 12 day of ~~April~~ may 2025.



David Hooker, Code Compliance Manager



Meeting Date: June 23, 2025

Agenda Item: 5-A

Report to Code Enforcement Special Magistrate

Topic: Case #2025-682
Ocean Support, Inc.
c/o Charles J. Schammel
4950 South Peninsula Drive
Alleged Violation(s): Work performed requiring permits

Summary: Staff will provide testimony and evidence regarding the following case.

Suggested motion: To be determined by the Magistrate 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: Stephaine Velo, Special Magistrate
FROM: David Hooker, Code Compliance Manager
DATE: June 16, 2025

DATE OF MEETING: June 23, 2025

Case Number: 2025-682
Address: 4950 South Peninsula Drive
Alleged Violation: Installation of a fence and tiki hut without permits or inspection approvals
Property Owner(s): Ocean Support Inc.
c/o John Hinton, Owner

Synopsis of Violation:

On March 11, 2025, staff observed that a bamboo style fence and tiki style hut were installed on this property without permits. Staff attempted to contact the business owner directly regarding the violations, but those efforts were unsuccessful. However, staff was able to reach the property owner and informed him of the specific violations observed onsite. During the conversation, staff outlined the necessary steps required to bring the property into compliance and advised the owner of the corrective actions expected within the timeframe.

Staff sent a formal Notice of Violation and Hearing, after several weeks of no contact and no progress toward compliance on the property.

As of the date of this memorandum, no building permit application has been submitted, and the property remains non-compliant.

Timeline of Events:

- **March 11, 2025** – Staff observed that a tiki hut and a 6-foot tall bamboo-style fence had been constructed without permits or inspection approvals on the property. Attempts to contact business owners were unsuccessful. However, contact was made with the property owner.
- **April 24, 2025** – There were no further attempts to resolve the violation by the business owner or property owner, therefore a formal Notice of Violation and Hearing was issued.
- **April 28, 2025** – The certified mailing was received by the property owner, who subsequently contacted staff by phone. During the conversation, the violation and potential resolution were discussed. The owner indicated that a building permit application would be submitted within the next few days.
- **May 7, 2025** – No permit application had been submitted as of this date, and there was no further contact with the property owner or business owner.
- **May 14, 2025** – Recorded documents within the public records of Volusia County indicate different ownership of the property than what was previously found/indicated.
- **May 16, 2025** – The Notice of Violation and Hearing was resent to the business and property owners.

Recommendation:

Staff recommends that the property be found in non-compliance with the Florida Building Code, section 105.1 as adopted by the Town by reference.

Staff further recommends the property owner should be granted 14 days (**on or before Monday July 7, 2025**), to have the property in compliance with the adopted regulations of the Town. Compliance shall be by either removal of the bamboo fencing and tiki style hut off the property, or have the two items permitted, inspected and approved in accordance with Town's code.

A one-time fee of \$250 shall also be imposed per the Town's fee schedule for administrative processing of a violation.

Furthermore, upon failure to comply with the Order, this case is to be brought back for further adjudication at the next scheduled hearing date of **July 28, 2025**.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 293-0032

Case Number: **CODE2025-00682**

Case Type: **Code Enforcement**

Date Case Established: **03/11/2025**

Compliance Deadline: **06/06/2025**

Violation Notice

Owner: Ocean Support Inc
c/o John Hinton, Registered Agent

Mailing Address

4950 South Peninsula Drive
Ponce Inlet, Florida 32127

Notice of Violation for the following location:

Address

4950 SOUTH PENINSULA DRIVE
PONCE INLET, FL 32127

Parcel

6437-01-00-0092

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

The violation and how to correct are as follows:

Violation:

1. Installation of a 6-foot bamboo style fence without permit
2. Installation of a tiki style hut without permit.

How to correct:

Both items need to obtain a building permit and obtain final inspections

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

Florida Building Code

Section 105.1 – Required

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

Compliance Date: 06/06/2025

This case has been referred over to the Town's Special Magistrate per Town code for a hearing that is scheduled for June 23, 2025 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 section of 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) 293-0032

Case Number: **CODE2025-00682**

Case Type: **Code Enforcement**

Date Case Established: **03/11/2025**

Compliance Deadline: **06/06/2025**

Violation Notice

If you 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

7022-0410-0000-8658-2081 – 680 Ferncliff Drive, Port Orange, Florida

7022-0410-0000-8658-2111 – 3003 South Atlantic Avenue, # 20-B-4, Daytona Beach Shores, Florida

7022-0410-0000-8658-2104 – 949 Beville Road, South Daytona, Florida

7022-0410-0000-8658-2074 – 4544 South Peninsula Drive, Ponce Inlet, Florida

7022-0410-0000-8658-2098 – 4950 South Peninsula Drive, Ponce Inlet, Florida



Meeting Date: June 23, 2025

Agenda Item: 5-B

Report to Code Enforcement Special Magistrate

Topic: Case #2025-1482
Helen Hill
72 Seawinds Circle
Alleged Violation(s): Right-of-way maintenance

Summary: Staff will provide testimony and evidence regarding the following case.

Suggested motion: To be determined by the Magistrate 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: Stephaine Velo, Special Magistrate

FROM: Travis Mincey, Rental Housing Inspector

DATE: June 16, 2025

DATE OF MEETING: June 23, 2025

Case Number: 2025-1482

Address: 72 Seawinds Cir

Alleged Violation: Rock driveway, concrete curb, and asphalt added to public right of way

Property Owner(s): Helen Hill
c/o Helen T. Hill Trust 2-23-17

Synopsis of Violation:

On April 15, 2025, staff observed a recently installed driveway now expanded into the public right of way. Furthermore, additional materials such as rocks, a concrete curb and asphalt which were not reflected in the originally approved permit were also added.

Contact was made with Ms. Hill, the homeowner, regarding the added items. At that time, she was asked to remove all additional unpermitted items from the right of way.

On May 2, 2025, a reinspection of the property was conducted. Upon confirming that all added items were still located within the right-of-way, a formal Notice of Violation and Hearing was issued.

Timeline of Events:

- **April 15, 2025** – While conducting a routine patrol of the Town, staff observed that a recently installed driveway had been expanded into the right-of-way.
- **May 02, 2025** – A Notice of Violation and Hearing was issued indicating a compliance date of May 16, 2025.
- **May 12, 2025** – Ms. Hill spoke with Mr. Hooker, Code Compliance Manager regarding removing all items from the right of way.
- **May 20, 2025** – A re-inspection of the property confirmed the violation remains.

Recommendation:

Staff recommends that the property be found in non-compliance with the Code of Ordinances, sections 70-4 70-6, 70-81, and 70-92.

Staff further recommends the property owner be granted 14 days (**on or before Monday July 7, 2025**), to bring the property into compliance by removing all the materials out of the Town's right of way.

A one-time fee of \$250 shall also be imposed per the Town's fee schedule for administrative processing of a violation.

Furthermore, upon failure to comply with the Order, this case is to be brought back for further adjudication at the next scheduled hearing date of **July 28, 2025**.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2025-001482**

Case Type: **Code Enforcement**

Date Case Established: **04/15/2025**

Compliance Deadline: **05/16/2025**

Violation Notice

Owner: Helen Hill c/o Helen T Hill Rev Trust 2-23-17

Mailing Address

72 Seawinds Cir
Ponce Inlet, FL 32127

Notice of Violation for the following location:

Address

72 SEAWINDS CIR
PONCE INLET, FL 32127

Parcel

631308000150

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

The violation and how to correct are as follows:

Rock driveway expansion, concrete curb, and asphalt lip constructed in public right of way.

How to correct: Remove rocks, concrete curb, and asphalt added to public right of way.

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

Code of Ordinances

Sec. 70-4. - Changing grade of right-of-way.

No person shall change the grade or otherwise affect any town right-of-way without first securing written permission of the town council based upon the recommendations of the town engineer.

Code of Ordinances

Sec. 70-6. - Maintenance of right-of-way by owners of abutting improved property.

(a) Except as otherwise provided in this section, or in a development order or condition of plat approval, the town is responsible for maintaining its rights-of-way. This includes sodding, cutting grass and weeds, and trimming trees and vegetation.

(b) It shall be the duty of all owners of improved real property to properly maintain the unpaved portions of the rights-of-way, including the buffer strips, defined in section 70-81, which abut their property. Grass,



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2025-001482**

Case Type: **Code Enforcement**

Date Case Established: **04/15/2025**

Compliance Deadline: **05/16/2025**

Violation Notice

weeds, flowers, vines, shrubbery, and any foliage in the buffer strip and unpaved right-of-way abutting the improved real property shall be cut, mowed, and trimmed pursuant to the applicable requirements of the Tree and Native Vegetation Preservation, Buffers and Landscape Requirements of the Land Use and Development Code. Property owners shall trim and maintain the bottom six feet of the trees in the rights-of-way abutting their improved property, measured from the trees' bases at actual grade. Planting of trees and vegetation other than grass is prohibited unless authorized by the town manager or his or her designee pursuant to sections 70-91 and 70-92.

(c) Owners of improved corner lots shall maintain such lots in a manner which prevents obstructions to visibility as described in section 5.6.6. of the Land Use and Development Code.

(d) Every owner of improved property shall remove any refuse or other debris existing within the adjacent right-of-way and buffer strip, but the placement of refuse for collection in a manner and in a container as specified by other provisions of this Code is not prohibited.

(e) No person shall remove any tree from any buffers strips or the public right-of-way unless written permission is requested from and approval granted by the town manager or his or her designee.

Code of Ordinances

Sec. 70-81. - Permit requirement; definitions.

(a) *Permit requirement.* It shall be unlawful for any person to construct any new improvement, or to dig up, break, excavate, tunnel, undermine or in any manner break up the ground or any street, highway, sidewalk, bike path, drainage pipe, utility line or any other improvement in a public right-of-way or other public property or to make or cause to be made any excavation in or under the surface of any street for any purpose or to place, deposit or leave upon any street any earth or other excavated material obstructing or tending to interfere with the free use of the street, highway, sidewalk or other public way without first obtaining a right-of-way construction permit and complying with any other requirements as provided in this article.

Code of Ordinances

Sec. 70-92. - Landscaping materials in rights-of-way.

(a) The installation and retention of landscape materials shall be authorized only upon the issuance of a landscape license. The town council may, by resolution, establish town policy regarding landscaping in rights-of-way and fees for applications for landscape licenses.

(b) The public works director and or his designee shall have authority to review applications for landscape licenses and grant landscape licenses. If the public works director and or his designee denies an application for a landscape license, the applicant may appeal to the town council for review of the determination. Any appeal shall be filed with the town clerk's office within 30 days after the date of the public works director and or his designee's decision.

(c) The permission to install or maintain landscaping materials in accordance with this section or town policy shall not prevent the town from removing any landscaping materials from a right-of-way whenever it is determined that such landscaping materials present an imminent or substantial threat to public health, safety, or welfare, or that use of the right-of-way is necessary.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2025-001482**

Case Type: **Code Enforcement**

Date Case Established: **04/15/2025**

Compliance Deadline: **05/16/2025**

Violation Notice

Compliance Date: 05/16/2025

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 June 23, 2025, at 9:30 A.M., located at 4300 South Atlantic Avenue, Ponce Inlet, Florida 32127.

If you are found to be in violation of the cited sections of Town Code, a daily fine of up to \$250 per day 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 pf your property, as well as any other property that you own in the state of Florida in accordance with Florida Statutes 162.09(3).

If you have any questions related to this matter, please feel free to contact my office.

Kind Regards,

Travis Mincey
Rental Housing Inspector

Certified Mail:

9589-0710-5270-0030-3383-23 72 Seawinds Cir Ponce Inlet, FL 32127



Meeting Date: June 23, 2025

Agenda Item: 5-C

Report to Code Enforcement Special Magistrate

Topic: Case #2025-1552
Andrew Lampert
4322 South Atlantic Avenue
Alleged Violation(s): Property maintenance issue involving dwelling

Summary: Staff will provide testimony and evidence regarding the following case.

Suggested motion: To be determined by the Magistrate 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: Stephaine Velo, Special Magistrate
FROM: David Hooker, Code Compliance Manager
DATE: June 16, 2025

DATE OF MEETING: June 23, 2025

Case Number: 2025-1552
Address: 4322 South Atlantic Avenue
Alleged Violation: Property maintenance issues involving dwelling
Property Owner(s): Andrew Lampert

Synopsis of Violation:

On January 31, 2024, staff noticed a blue tarp on the southeast corner of the home. Contact was made, and within a few days, the tarp was removed.

On May 5, 2025, staff observed a blue tarp once again on the roof of this dwelling, in the same location. Contact was attempted with the owners, to no avail.

Thus, a formal Notice of Violation and Hearing was issued to the owner.

Timeline of Events:

- **January 31, 2024** – Case number 2024-149 was started for a blue tarp on the home, indicating a defect with the roof. Contact was made with the ownership several weeks later.
- **March 18, 2024** – The tarp was removed and the case was closed.

- **May 5, 2025** – The tarp was once again observed in the same location as previously noted. Attempts to contact the property owner were unsuccessful.
- **May 7, 2025** – A formal Notice of Violation and Hearing was issued, with a compliance date of June 6, 2025.

Recommendation:

Staff recommends that the property be found in non-compliance with the International Property Maintenance Code, Section 102.2, 304.1 and 304.7 as adopted by Town code.

Staff recommends the property owner be granted 18 days (**on or before Friday, July 11, 2025**), to bring the property into compliance by making the necessary repairs to the roof. If the repairs are in excess of 100 square feet, then a building permit will be required.

Once repairs are made, the property owner shall notify the Town's code enforcement division for documentation.

A one-time fee of \$250 shall also be imposed per the Town's fee schedule for administrative processing of a violation.

Furthermore, upon failure to comply with the Order, this case is to be brought back for further adjudication at the next scheduled hearing date of **July 28, 2025**.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 293-0032

Case Number: **CODE2025-1552**

Case Type: **Code Enforcement**

Date Case Established: **05/05/2025**

Compliance Deadline: **06/06/2025**

Violation Notice

Owner: Andrew Lampart

Mailing Address

4322 South Atlantic Avenue
Ponce Inlet, Florida 32127

Notice of Violation for the following location:

Address

4322 SOUTH ATLANTIC AVENUE
PONCE INLET, FL 32127

Parcel

6313-01-00-0130

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

The violation and how to correct are as follows:

Violation:

1. Blue trap on roof – and indication that your roof has an issue

How to correct:

This is the second time in the past year that the blue tarp has been seen on the roof in this same location (case # 2024-149 – January through March 2024). Blue tarp must be removed, and repairs must be made to the area.

Once repairs have been made, you are required to notify this office for verification of the roof repair. Failure to do so will result in this case being referred to the Town's Special Magistrate.

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

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 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.

International Property Maintenance Code

Section 304.1 – General

The exterior of a structure shall be maintained shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare



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Violation Notice

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: 06/06/2025

This case has been referred over to the Town's Special Magistrate per Town code for a hearing that is scheduled for June 23, 2025 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 section of 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).

If you 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
7022-0410-0000-8658-2128