



CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING

MONDAY
July 28, 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. June 23, 2025
3. ADMINISTERING THE OATH TO WITNESSES.
4. OLD 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
5. NEW BUSINESS:
 - A. **Case # 2025-1679**
Aisha Moore
4734 South Atlantic Avenue
Alleged Violation: Property maintenance issue involving dwelling
(REPEAT VIOLATION)
6. ADJOURNMENT.
Next hearing date: Monday, August 25, 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. People 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: July 28, 2025

Agenda Item: 2-A

Report to Code Enforcement Special Magistrate

Topic: June 23, 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

June 23, 2025

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

Staff Members Present:

Mr. Hooker, Code Compliance Manager
Ms. Hornbuckle, Code Administrative Assistant
Mr. Lear, Planning & Development Director
Attorney Smith, Town Attorney
Ms. Stewart, Assistant Deputy Clerk
Special Magistrate Velo

2. **APPROVAL OF THE MINUTES:**

A. **May 19, 2025** - Special Magistrate Velo approved the May 19, 2025, meeting minutes as presented.

3. **ADMINISTERING THE OATH TO WITNESSES:** Assistant Deputy Clerk Stewart administered the Oath to those intending to provide testimony.

4. **OLD BUSINESS:**

A. **Case # 2025-572**

Arnoldo Larrazabal & Denese Carty
122 Old Carriage Road
Alleged Violation: Work performed requiring permits

Mr. Hooker explained that this case was heard on April 28, 2025, for work without a permit, where the property was found in violation of the cited sections of code, and the owners were granted until May 16, 2025, to secure the required building permits. On May 19, 2025, staff requested a continuance on the case, as the owners had submitted a permit application on May 13, which was still under review. The permit was paid for and issued on May 29, 2025. Staff requested the property be found in compliance, with the \$250 administrative fee remaining outstanding and the case be dismissed upon payment of the fee. Special Magistrate Velo asked if anyone was present on behalf of the owners and there were none.

Special Magistrate Velo found the property in compliance; and reiterated the \$250 administrative fee.

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

Mr. Hooker provided evidence and testimony detailing the sequence of violations related to the unpermitted installation of a 6-foot bamboo fence and a tiki hut. Mr. Hooker stated that both Mr. Hinton, the registered agent and the business owner had been contacted regarding the violations; however, no action has been taken to obtain the necessary permits. Staff recommended the property be found in non-compliance with the cited code sections and requested that the respondent be granted 14 days, or until July 7, 2025, to either obtain the required permits or remove the unpermitted structures. Staff also requests the imposition of the \$250 administrative fee and that the case be continued for further adjudication on July 28, 2025.

Special Magistrate Velo asked if anyone was present on behalf of the owners and there were none. She confirmed that proper notice was provided as required under FS Chapter 162; and asked if a demolition permit would be required or if these improvements are permitted under the code. Mr. Hooker responded that it may be possible, depending on setback requirements; however, the immediate issue is that the existing structures were installed without permits.

Special Magistrate Velo found the property in non-compliance; granted 14 days or on until July 7, 2025, to bring the property into compliance; assessed the \$250 administrative fee; and ordered the case brought back for further adjudication on July 28, 2025.

B. Case # 2025-1482

Helen Hill

72 Seawinds Circle

Alleged Violation: Right-of-way maintenance

Mr. Hooker presented evidence and testimony, noting that the property is a homesteaded parcel and that Ms. Hill was present for the proceedings. He provided a detailed timeline of events and stated the violation involved an unpermitted expansion of a rock driveway, along with the installation of a concrete curb and asphalt lip within the right-of-way. Staff reported that they had communicated with both Ms. Hill and the contractor, providing guidance on the steps necessary to correct the violations. The work required two separate permits, one for the driveway and one for the right-of-way; both of which have since been paid for and issued. However, a remaining violation exists between the end of the permitted driveway area and the edge of the roadway. Photographic evidence was submitted to illustrate the issue. Mr. Hooker explained that compliance could be achieved by moving the gravel back six to eight feet and resurfacing the area with grass. Ms. Hill stated her grandnephew, Mr. Austin Gardner, was present and authorized to speak on her behalf. Mr. Gardner, representing 72 Seawinds Circle, stated that they have had difficulty reaching the contractor, who had promised action two weeks earlier but is now unresponsive. He acknowledged the need to remove or relocate the gravel, concrete curb and asphalt lip, and expressed their willingness to complete the corrective work themselves. He also noted Ms. Hill's intention to replace the rocks with native wildflowers. Ms. Hill confirmed the ongoing communication issues with the contractor. Special Magistrate Velo assured Ms. Hill that no fines would begin accruing at this time. She requested staff clarify how the change in grade within the right-of-way and the Town's landscaping codes applied to the situation. Mr. Hooker explained that the soil had been removed during installation, altering the grade and thereby requiring a permit. Mr. Hooker asked Ms. Hill and Mr. Gardner if the violation could be corrected by the next hearing on July 28, 2025. Mr. Gardner confirmed that they could meet that timeline. Attorney Smith recommended scheduling a status hearing for that date.

Special Magistrate Velo found the property in non-compliance; assessed the \$250 administrative fee; and ordered the case brought back at the July 28, 2025, hearing for a status update.

C. Case # 2025-1552

Andrew Lampert
4322 South Atlantic Avenue
Alleged Violation: Property maintenance issues involving dwelling

Mr. Hooker presented evidence and testimony outlining the timeline of a blue tarp observed on the roof. He noted this marks the second occurrence of the tarp in the same location, with a previous case (No. 2024-149) documented between January and March 2024. Although the property is now in compliance, he clarified that compliance was not achieved until after the June 6, 2025, deadline. Staff recommends the property be found in non-compliance, that a \$250 administrative fee be assessed and that the case be dismissed upon payment of the fee.

Special Magistrate Velo found the property in non-compliance; now in compliance; and assessed the \$250 administrative fee.

6. ADJOURNMENT: The hearing was adjourned at 10:02 a.m.

Next hearing date: Monday, July 28, 2025

Respectfully submitted by,

Draft

Stephanie Velo

Special Magistrate

Prepared by: Debbie Stewart, Assistant Deputy Clerk



Meeting Date: July 28, 2025

Agenda Item: 4-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: July 17, 2025

DATE OF MEETING: July 28, 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.

After several weeks without contact or compliance, staff issued a formal Notice of Violation and Hearing. 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 16, 2025** – resent formal Notice of Violation and Hearing to business and property owners
- **June 23, 2025**- The case was presented before the Special Magistrate. The property was found in non-compliance. A \$250 administrative fee was assessed and the respondent was given until July 7, 2025, to achieve compliance. Failure to achieve compliance will result in this case being brought back before the Magistrate for further adjudication.
- **July 14, 2025** – Staff spoke with Mr. Hinton about the notice that he received. He advised that he would start working on achieving compliance.
- **July 15, 2025** – Staff again spoke with Mr. Hinton and he wanted to know if his tenant paid the \$250 administrative fee. The administrative fee was paid later that day.
- **July 16, 2025** – Staff spoke with Charles Burgen (surveyor/contractor). He stated he had been hired by the owner to clear up the outstanding violations on the property. Staff advised of the violations and Mr. Burgen stated he should be able to have permit to Town prior to the July 28th hearing date.

Recommendation:

Staff recommends that the Special Magistrate find the property at 4950 South Peninsula Drive to remain in non-compliance due to the continued absence of required building permits for the fence and tiki hut, despite previous notice and opportunity to comply.

Furthermore, staff recommends the imposition of a daily fine of \$250.00 per day retroactive to the July 7, 2025, compliance date as outlined in the previous Magistrates Order of June 23, 2025.

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.: 2025-682

OCEAN SUPPORT, INC.

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This cause was heard on the 23rd day of June 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. Respondent is the owner of property located at 4950 South Peninsula Drive, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 643701000092 (the "Subject Property").
2. On May 30, 2025, the Code Compliance Manager issued a Notice of Violation to Respondent citing a violation of Section 105.1 of the Building Officials Association of Florida (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. Respondent was properly served with the Notice of Violation as specified in Section 162.12, Florida Statutes.
3. Respondent and the Subject Property are in violation of Section 105.1 of the Building Officials Association of Florida (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.
4. Respondent and the Subject Property remained in violation of Section 105.1 of the Building Officials Association of Florida (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, past the compliance date set forth in the Notice of Violation.

Based upon the foregoing, it is hereby ORDERED AND ADJUDGED that:

5. Respondent shall bring the Subject Property into compliance with the cited

provisions of the Town of Ponce Inlet Code of Ordinances on or before July 7, 2025, by taking the corrective actions specified in the Notice of Violation.

6. Failure to bring the Subject Property into compliance as ordered herein shall result in this case being brought before the Special Magistrate for further adjudication at the July 28, 2025, code enforcement hearing.
6. Respondent 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. Any violation of the same code provision by Respondent within five years of the date of this Order may be prosecuted as a repeat violation pursuant to Chapter 162, Florida Statutes.

DONE AND ORDERED at the Town of Ponce Inlet, Volusia County, Florida on this 2nd day of July 2025.



Stephanie M. Velo, Esq.
Special Magistrate

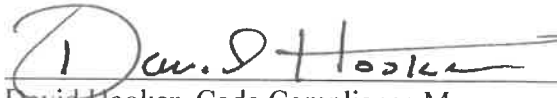
ATTEST:



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 2nd day of July 2025.



David Hooker, Code Compliance Manager



Meeting Date: July 28, 2025

Agenda Item: 4-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: July 17, 2025

DATE OF MEETING: July 28, 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 that had been expanded into the public right-of-way. The addition of rocks, a concrete curb and asphalt applied to the road were all observed, however these additions exceeded the original scope of the permit.

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, Mr. Mincey observed that a recently installed driveway had been expanded into the right-of-way beyond what was approved in the permit.
- **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.
- **June 23, 2025**- This case was presented at the Special Magistrate hearing, where the Special Magistrate determined that the property was in non-compliance. A \$250 administrative fee was assessed, and the case was scheduled to return for a status update at the July 28, 2025, hearing.
- **June 25, 2025** - \$250 administrative fee paid.
- **June 26, 2025** – A building permit application was submitted by contractor to make the required repairs.
- **July 14, 2025** – Building permit (DEVR-846-2025) was approved for the installation of decorative rocks and replacement of rocks in the-right-of way with sod. The contractor (Jose Bahena) was notified.

Recommendation:

The property owner has successfully secured a contractor to apply for the required permit. However, the violation remains unresolved.

Staff recommends that the Special Magistrate reaffirm the original Order of Noncompliance dated June 23, 2025, and grant the owner an extension until August 4, 2025 (seven days after the hearing date) to bring the property into full compliance.

Failure to comply by this date will result in the imposition of a \$100 daily fine until the following actions are completed: the permit is picked up and paid for, the decorative rock is removed from the right-of-way and sod is restored in the right-of-way.

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.: 2025-1482

HELEN T. HILL, TRUSTEE OF THE
HELEN T. HILL REVOCABLE TRUST,

Respondent.

/

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This cause was heard on the 23rd day of June 2025 by the Code Enforcement Special Magistrate of the Town of Ponce Inlet after due notice to Respondent 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. Respondent is the owner of property located at 72 Seawinds Circle, Ponce Inlet, Florida 32127, with Volusia County Parcel ID 631308000150 (the "Subject Property").
2. On May 2, 2025, the Code Compliance Manager issued a Notice of Violation to the Respondent citing a violation of Sections 70-4, 70-6, 70-81 and 70-92 of the Town of Ponce Inlet Code of Ordinances on the Subject Property. Respondent was properly served with the Notice of Violation as specified in Section 162.12, Florida Statutes.
3. Respondent was present at the June 23, 2025 code enforcement hearing and did not contest the violations.
4. Respondent and the Subject Property are in violation of Sections 70-4, 70-6, 70-81 and 70-92 of the Town of Ponce Inlet Code of Ordinances.
5. Respondent and the Subject Property have remained in violation of Sections 70-4, 70-6, 70-81 and 70-92 of the Town of Ponce Inlet Code of Ordinances past the compliance date set forth in the Notice of Violation.

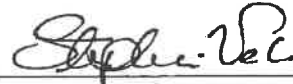
Based on the foregoing, it is hereby ORDERED AND ADJUDGED that:

6. Respondent shall bring the Subject Property into compliance with the cited

provisions of the Town of Ponce Inlet Code of Ordinances on or before July 27, 2025 by taking the corrective actions specified in the Notice of Violation.

7. Failure to bring the Subject Property into compliance as ordered herein shall result in this case being brought before the Special Magistrate for a status hearing on July 28, 2025.
8. 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.
9. Any violation of any of the same code provisions by Respondent within five years of the date of this Order may be prosecuted as a repeat violation pursuant to Chapter 162, Florida Statutes.

DONE AND ORDERED at the Town of Ponce Inlet, Volusia County, Florida on this 2nd day of July 2025.



Stephanie Velo, Esq.
Town of Ponce Inlet Special Magistrate

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 Respondents by U.S. Mail, First Class, the 2nd day of July 2025.



David Hooker, Code Compliance Manager



Meeting Date: July 28, 2025

Agenda Item: 5-A

Report to Code Enforcement Special Magistrate

Topic: Case #2025-1679
Aisha Moore
4734 South Atlantic Avenue
Alleged Violation(s): Property maintenance issues involving dwelling
(REPEAT VIOLATION)

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: July 17, 2025

DATE OF MEETING: July 28, 2025

Case Number: 2025-1679

Address: 4734 South Atlantic Avenue

Alleged Violation: Property maintenance issues involving lot and or dwelling

Property Owner(s): Aisha Moore

Synopsis of Violation:

This case originally was heard by the Town's Code Enforcement Board on March 27, 2023, due to several property maintenance issues involving the lot and dwelling on the property.

The Code Enforcement Board heard testimony on this case during six separate hearings between March 2023 to March 25, 2024, at which point a contractor finally applied for and was issued building permit #234-2024 for repairs to the home.

The Florida Building Code (FBC) allows a permit to remain valid for six months once issued and after an approved inspection. On January 6, 2025, the contractor asked for an extension of the building permit under the FBC. The Building Official granted an additional 180 days to complete the repairs.

On June 15, 2025, the contractor asked the building official to cancel building permit #234-2024 for the alteration and repair work at this address. There had been no work completed under this permit.

Since the building permit has been canceled by the contractor, there is no active permit for this property. The outstanding property maintenance issues still remain.

Timeline of Events:

November, 2022 - Staff began working with owner, outlining the violations and attempting to establish timelines when work will be started.

December 1, 2022 – Staff received a bid package from the owner stating that they anticipate that a contractor would be hired by end of the month.

January 3, 2023 – Staff received an email from the owner stating that she is close to choosing a contractor.

February 3, 2023 – After receiving no further contact from the owner and no permit application for the required work, staff issued a Notice of Violation and Hearing. The certified notice was signed for by Ms. Moore.

March 27, 2023 – The case was presented to the Town's Code Enforcement Board, with Ms. Moore in attendance to provide testimony. Following a thorough discussion, the Board found the property in violation of the cited code sections and ordered the owner to complete specific corrective actions within 30 days. These included obtaining an engineer's report on the structural stability of the front and rear porches and addressing the overall appearance of the property to ensure it is neat and presentable. The case was scheduled to be revisited at the next Code Enforcement Board hearing.

May 22, 2023 – At the Code Enforcement Board hearing, Ms. Moore was again present. Staff reported that while some items had been addressed the required structural engineering report remained incomplete. Ms. Moore stated she had hired a home inspector to assess the needed work but was unable to begin repairs at this time. The Board granted a 60-day extension for her to develop a detailed action plan, update the repair status, and provide a budget for any remaining work.

July 24, 2023 - Ms. Moore provided an update to the Code Enforcement Board with estimates and cost analysis. Ms. Moore advised that she will be able to secure a contractor by November 2023 to make the necessary repairs. The Code Enforcement Board reiterates the order of noncompliance and issues the \$250 administrative fee and the owner to have a building permit submitted for the repairs no later than September 25, 2023.

September 21, 2023 – A demolition permit application was submitted for the demolition of the exterior decks and to secure all exterior openings.

September 25, 2023 –

The case was heard by the Code Enforcement Board, with Ms. Moore present to provide testimony. She stated that demolition has started and a building permit for the repair work will be submitted by December 2023.

September 26, 2023 – The demolition permit #1287-2023 was paid for and issued by the Town.

December 25, 2023 – No code enforcement board meeting was held due to holidays.

February 2024 – Staff spoke with Ms. Moore and contractor about obtaining the required plans for the remodeling. The owner advised that the application should be submitted soon.

February 26, 2024 – Staff was asked for an update on the property at the code enforcement board hearing. Staff advised that nothing has been done to the property and the unsafe conditions remain. Staff explained that there is an active permit for the deck, roof and other repairs. The permit is valid for six months after an approved inspection.

March 1, 2024 – A permit application was submitted for the replacement of decking, installation of new doors and windows, reroofing of the home, and removal of load-bearing walls, permit number #234-2024.

March 25, 2024 – Staff advises the code enforcement board that permits have been secured for the demolition per the board order. However, a new permit had been submitted for the repair work on the rest of the home.

August 1, 2024 – Permit #234-2024 was issued for the interior demolition and replacement of decks and new windows. The permit does not include any electrical or HVAC work.

January 6, 2025 – The contractor asked for an extension of building permit #234-2024. A 180-day extension is granted per the building official.

June 15, 2025 – The contractor submitted a letter to the Town requesting that the permit be canceled. The correspondence indicated that the work was not completed under the permit.

Recommendation:

The property has remained in violation for over two years. Staff has exhausted all reasonable efforts to achieve compliance, adhering to timelines negotiated between the property owner and the Town's Code Enforcement Board.

Staff Recommendation:

1. **Find the property in violation** of the above-cited sections, with the four IPMC violations considered **Repeat Offenses** under FS §162.06(3).
2. **Impose a daily fine of \$500 per violation**, totaling **\$2,000 per day**, under FS §162.09(2)(a), until the property is brought into full compliance.
3. **Impose the \$250 administrative fee** in accordance with the Town's Fee Schedule.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 293-0032

Case Number: **CODE2025-01679**

Case Type: **Code Enforcement**

Date Case Established: **06/23/2025**

Compliance Deadline: **IMMEDIATELY**

Violation Notice

REPEAT VIOLATION

Owner: Aisha Moore

Mailing Address

4734 South Atlantic Avenue
Ponce Inlet, Florida 32127

Notice of Violation for the following location:

Address

4734 SOUTH ATLANTIC AVENUE
PONCE INLET, FL 32127

Parcel

6419-03-00-2820

This letter of repeat violation is to inform you that staff has observed 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 violations are considered to be a repeat offense in accordance with Florida statutes 162.04(5), dealing with the maintenance and repair work of the home at the aforementioned address.

The violation and how to correct are as follows:

Violation:

1. Roof/ soffit in disrepair
2. Exterior stairs have been removed and were to be repaired.
3. Interior renovation (demolition of interior) performed without repair work being performed.
4. Building permits have been withdrawn (expired)

How to correct:

Secure the required building permit for the work to be performed and set a deadline for all repairs to be completed.

NOTE:

Code Enforcement Board orders starting in March 2023 outlined specific items that needed to be addressed within a timeframe that was agreed upon by you and the code enforcement board.

Over a period of nine (9) months, (March to December 2023) you attended the required hearings and were granted additional time to ensure the dwelling would be repaired.

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



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 293-0032

Case Number: **CODE2025-01679**

Case Type: **Code Enforcement**

Date Case Established: **06/23/2025**

Compliance Deadline: **IMMEDIATELY**

Violation Notice

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.

Florida Building Code

Section 105.4.1 Permit intent .

A permit issued shall be constructed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced

(REPEAT VIOLATION)

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. Except as otherwise specified herein, the owner or owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

(REPEAT VIOLATION)

International Property Maintenance Code

Section 301.3 – Vacant structures and land

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety

(REPEAT VIOLATION)

International Property Maintenance Code

Section 302.1 – Sanitation

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The



Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 293-0032

Case Number: **CODE2025-01679**

Case Type: **Code Enforcement**

Date Case Established: **06/23/2025**

Compliance Deadline: **IMMEDIATELY**

Violation Notice

occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition

(REPEAT VIOLATION)

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

Compliance Date: IMMEDIATELY

REPEAT VIOLATION

This case has been referred over to the Town's Special Magistrate per Town code for a hearing that is scheduled for July 28, 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 \$500 per day per violation may be imposed in accordance with Florida Statutes 162.06(3). 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

9589-0710-5270-1453-7385-23 – 4734 South Atlantic Avenue, Ponce Inlet, Florida
9589-0710-5270-1453-7385-30 – 627 North Grandview Avenue #627, Daytona Beach, Florida
7022-0410-0000-8658-2173 - 2141 Sunbow Avenue, Apopka, Florida 32703

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

TOWN OF PONCE INLET, FLORIDA,
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2023-076

AISHA MOORE,

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This cause was heard on the 27TH day of March, 2023 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. Respondent is the owners of property located at 4734 South Atlantic Avenue, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6419-03-00-2820 (the "Subject Property").
2. On February 3, 2023, the Code Compliance Manager issued a Notice of Violation to Respondents citing a violation of Sections 102.2, 301.3, 302.1, 304.1, 304.2, 304.10, 304.12 of the ICC, International Property Maintenance Code, as adopted by the Town of Ponce Inlet for property maintenance issues involving the home.

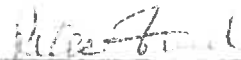
BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

3. Respondent is in violation of Sections 102.2, 301.3, 304.1, 304.2, 304.10, 304.12 of the ICC international Property Maintenance Code as adopted by the Town of Ponce Inlet.
4. Respondents shall cure the violation within 30 days of the date of this order (on or before April 26, 2023), by completing the following:
 - A. Pressure wash and paint home.
 - B. Soffit and fascia repair work to be completed.
 - C. Remove vines from home.
 - D. Clean up property of all vegetation and other trash.
 - E. Obtain structural engineer report on stability of front and back porch areas.
 - F. Roof Repair on missing shingles.

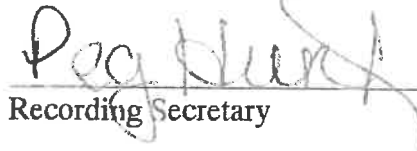
5. In addition, this case shall be brought back for further consideration and possible action on May 22, 2023.

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 27 day of ~~February~~ ^{March} 2023.

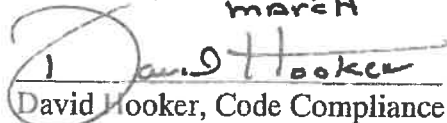

Peter Finch, Chairperson
Code Enforcement Board

ATTEST:


Recording Secretary

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 27 day of ~~February~~ ^{March}, 2023.


David Hooker, Code Compliance Manager