AGENDA ITEM # 9B

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 Enforcement Officer

DATE: February 3, 2016

DATE OF MEETING: February 22, 2016

Case Number: 42253

Address: 92 Maura Terrace

Owner: George & Helen Savas

Alleged Violation:
Property maintenance issues relating to dwelling and lot;

International Property Maintenance Code – section 301.2 – Responsibility

Brief History:
November 17, 2015 during an routine inspections of the area, it was noticed that the fence was in disrepair. Thus a Notice of Violation was sent to the ownership. This certified letter was returned as "unable to forward".

Re-inspection was performed on December 9, 2015 and noticed that fence was still in disrepair. Subsequently, the Notice of Hearing was issued for the outstanding violation, and this mailing was also returned as "unable to forward"

December 30, 2015, staff posted property with Notice of Hearing, sent mailing to ownership on record via first class mail, filled out an affidavit of posting, took pictures of posting, and pictures of posting Notice of Hearing at Town Hall.

Case presented to this Board on January 25, 2016, which at that time you found the owners in non compliance and granted additional time to cure the violations.

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

Footnote:
As a reminder, code enforcement cases are quasi-judicial and receipt of any information outside of the public meeting on a case is strongly discouraged. If a board member obtains any information 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.

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

TOWN OF PONCE INLET, FLORIDA,
A municipal corporation,

Petitioner,

vs. CASE NO.: 42253

GEORGE P. SAVAS and
HELEN L. SAVAS,

Respondents/Owners.
_____/

FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER

This cause was heard on the 25th day of January, 2016 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. The property which is the subject of this code enforcement action is located at 92 Maura Terrace, Ponce Inlet, Florida with Volusia County Property Tax ID 6419-09-00-0040.

2. On October 20, 2015, the Code Enforcement Officer served Respondents with a Notice of Violation citing the Respondents with a violation of Section 301.2 of the International Property Maintenance Code due to the wood fence on the Subject Property being in disrepair.

3. The Code Enforcement Officer served Respondents with a Notice of Hearing.

4. Respondents failed to cure the cited violation within the time allowed in the Notice of Violation.

5. Based on the evidence and testimony received, Respondents are found to be in violation of Section 301.2 of the International Property Maintenance Code for failing to properly maintain the wood fence located on the Subject Property.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

6. Respondents shall cure the violation before February 22, 2016. If Respondents fail to cure the violation within the time allowed herein, the Code Enforcement Board may consider imposition of fines.

7. Any violation of the same Code section by the Respondents within five years of the date of this Order may be prosecuted as a repeat violation.

ORDERED at Ponce Inlet, Volusia County, Florida on this 3rd day of February, 2016.

Joseph Villanella, 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 Respondents by U.S. Mail, First Class, the 3rd day of February 2015.

David Hooker