



CODE ENFORCEMENT BOARD HEARING AGENDA

MONDAY
July 22, 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. June 24, 2024
8. OLD BUSINESS:
 - A. Case # 2024-433: Property Address: 102 Rains Drive
Owner(s): Jason & Jessica Prince
Alleged Violation(s): Work without permits
 - B. Case # 2024-446: Property Address: 101 Old Carriage Road
Owner(s): Lucille & Bruce Lambert Charitable Foundation Inc.
Alleged Violation(s): Property Maintenance Issues involving lot and dwelling
9. NEW BUSINESS:
 - A. Case # 2024-412: Property Address: 70 Seawinds Circle
Owner(s): Dennis & Teresa Craig
Alleged Violation(s): Rental Permit requirements

- B. Case # 2024-553: Property Address: 4495 South Atlantic Avenue #404
Owner(s): Amanda France
Alleged Violation(s): Violation of Rental Permit Requirements

10. ATTORNEY DISCUSSION.
11. BOARD/STAFF DISCUSSION.
12. ADJOURNMENT.

Next hearing date: Monday, August 26, 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.



**Town of Ponce Inlet
Code Enforcement Board
Meeting Minutes
June 24, 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 - Absent

15 Mr. Finch, Seat #3, Chair

16 Mr. Michel, Seat #4

17 Ms. Cannon, Seat #5, Vice-Chair

18 Mr. Fuess, Alternate Seat #1

19 Ms. Rij, Alternate Seat #2
20

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

23 **Staff Members Present:**

24 Attorney Cino, Code Board Attorney

25 Mr. Hooker, Code Compliance Manager

26 Mr. Mincey, Rental Property Maintenance & Housing Inspector

27 Attorney Smith, Town Attorney

28 Ms. Stewart, Assistant Deputy Clerk
29

30 **4. ADOPTION OF THE AGENDA:** Vice-Chair Cannon moved to adopt the agenda as
31 presented; seconded by Ms. Richards. The motion PASSED 5-0, consensus.
32

33 **5. DISCLOSURE OF EX-PARTE COMMUNICATION:** Mr. Fuess referred to the
34 irrigation system violation cases heard last month and explained his homeowner's association
35 (HOA) also received a notice that he discussed with Mr. Hooker; the issue has since been resolved.
36

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

40 **7. APPROVAL OF THE MINUTES:**

41
42 **A. May 20, 2024 -** Chair Finch moved to adopt the minutes as presented; seconded
43 by Vice-Chair Cannon. The motion PASSED 5-0, with the following vote: Chair Finch – yes; Vice-
44 Chair Cannon – yes; Ms. Richards – yes; Mr. Michel – yes; Mr. Fuess.
45

46 **8. OLD BUSINESS:**

47
48 **A. Case # 2024-324: Property Address: 112 Anchor Drive**

49 **Owner(s): Ylian Snyder & Grant Renne**
50 **Alleged Violations(s): Irrigation system without the required backflow**
51 **preventor and/or testing**
52

53 Staff requested this case be withdrawn.
54

55 **B. Case #2024-338: Property Address: 4329 South Atlantic Avenue**
56 **Owner(s): William Frazier**
57 **Alleged Violations(s): Irrigation system without the required backflow**
58 **preventor and/or testing**
59

60 Mr. Hooker reviewed the case history and violations, noting that the case was presented to this
61 board on May 20, 2024, which found the owners in non-compliance and granted until June 7, 2024,
62 to secure the required testing report for the backflow device; as of today, no report has been
63 submitted. Mr. Frazier has been contacted on two occasions; last Monday, Mr. Frazier stated the
64 testing was completed and he needed to submit the report. However, that has not taken place. Staff
65 is requesting to reiterate the order of non-compliance, assess the \$250 administrative fee, and
66 impose a \$25 per day fine beginning today until the report is submitted. Chair Finch asked if
67 anyone was present to testify in this case; there was none.
68

69 Vice-Chair Cannon moved to find the property in non-compliance; assess the \$250 administrative
70 fee; and impose a \$25 per day fine beginning today until the required testing report has been
71 submitted; seconded by Ms. Richards. The motion PASSED 5-0, with the following vote: Vice-
72 Chair Cannon - yes; Ms. Richards – yes; Chair Finch - yes; Mr. Michel – yes; Mr. Fuess - yes.
73

74 **C. Case #2024-366: Property Address: 47 Oceanway Drive**
75 **Owner(s): Kevin Purucker**
76 **Alleged Violations(s): Irrigation system without the required backflow**
77 **preventor and/or testing**
78

79 Staff requested this case be withdrawn.
80

81 **9. NEW BUSINESS:**
82

83 **A. Case # 2024-384; Property Address: 33 Beach Street**
84 **Owner(s): Robin & Linda Rance**
85 **Alleged Violation(s): Irrigation system without the required backflow**
86 **preventor and/or testing**
87

88 Staff requested this case be withdrawn.
89

90 **B. Case # 2024-433; Property Address: 102 Rains Drive**
91 **Owner(s): Jason & Jessica Prince**
92 **Alleged Violation(s): Work without permits**
93

94 Mr. Mincey provided testimony and photographic evidence of the cited violations of code; he
95 explained this case began April 26, 2024 for construction of a rear deck and for removal of siding
96 from the home. A permit check revealed no active permits were issued for the deck or the siding.
97 He reviewed the corrective steps taken by staff and photos of the property. An application was
98 received on June 19, 2024 for the deck; the siding was permitted but they went past the compliance

99 date. Staff is requesting an order of non-compliance and to assess the \$250 administrative fee.
100 Chair Finch asked if anyone was present to testify in this case; there was none. Chair Finch asked
101 if the property is now in compliance. Mr. Mincey explained permitting for the siding has been
102 received; permitting for the deck is in the review process. Attorney Smith clarified that the issue
103 is the respondent has done everything they can; however, until the permit is issued, they are in
104 non-compliance. Mr. Hooker added that the respondent applied for the permit after the compliance
105 date. Ms. Richards asked if the administrative fee could be deferred. Chair Finch replied that they
106 can but should not. Attorney Smith added that the property owner did not submit the application
107 until after the compliance date, so they did not comply with the violation notice. Mr. Fuess asked
108 for clarification that when the application is submitted, it is reviewed to ensure the proper hurricane
109 materials and construction techniques are used. Mr. Hooker explained yes, and any set-back
110 requirements are reviewed. Discussion continued; it was explained that the inspection is not
111 conducted until after the permit is issued.

112
113 Chair Finch moved to find the property in non-compliance; assess the \$250 administrative fee;
114 and to bring back next month for further adjudication; seconded by Vice-Chair Cannon. The
115 motion PASSED 5-0, with the following vote: Chair Finch - yes; Vice-Chair Cannon – yes; Ms.
116 Richards – yes; Mr. Michel – yes; Mr. Fuess - yes.

117
118 **C. Case # 2024-446; Property Address: 101 Old Carriage Road**
119 **Owner(s): Lucille & Bruce Lambert Charitable Foundation, Inc.**
120 **c/o Lucille & Bruce Lambert**
121 **Alleged Violation(s): Work without permit & property maintenance issues**
122 **involving dwelling**

123
124 Mr. Mincey provided testimony and photographic evidence of the cited violations of code; he
125 explained this is a rental property permitted by the Town. The occupying tenant contacted the
126 Town to report ongoing property maintenance issues such as water damage, etc. An inspection of
127 the property was initiated; a “consent to inspect” was signed by the tenant. He reviewed the
128 summary of deficiencies noted during the inspection. A violation notice was prepared and sent to
129 all forms of contact; the notice referenced kitchen plumbing, side entry doors, and exterior walls
130 that were open. Corrective actions were included in the notice, and the requests permits be applied
131 for and that necessary inspections occur; a compliance date of May 24, 2024 was given for these
132 items to be corrected. Additional property maintenance issues were discovered through
133 correspondence with the tenant. He noted the tenant advised him that United Water Restoration
134 had been to the property and conducted an assessment; the assessment revealed water intrusion
135 into the home around the area of the kitchen sink which had been re-piped, and around the front
136 windows of the home. Contact was made with a representative of the property, who secured a
137 contractor, Mr. Robert W. Edwards, to complete the necessary repairs to the home. He provided
138 an estimate and should be able to complete the noted items within a three-week timeframe. Staff
139 is requesting the property be found in non-compliance; assess the \$250 administrative fee; grant
140 the owners 30 days or until July 24, 2024 to correct the noted violations; or to continue this case
141 to the August 26, 2024 hearing date for further adjudication. Chair Finch asked if there anyone is
142 present to testify in this case; there was none.

143
144 Mr. Fuess asked who the customer was on this case; it is not the name of the tenant or the owners;
145 he asked who Mr. Anthony Hulbert is. Mr. Mincey explained the property is owned by a charitable
146 foundation and Mr. Hulbert is a representative of that foundation. Ms. Richards asked if a permit
147 was issued prior to the rental permit date of March 22, 2024. Mr. Mincey replied no; that was when
148 the property representative signed the permit; it was not received until approximately a week later.

149 Ms. Richards asked for confirmation that the property had been operating without a permit prior
150 to that. Mr. Mincey explained he received correspondence that the property may be a rental
151 property that he needed to investigate; he noted that the property had been vacant for a significant
152 amount of time, but vehicles were being noticed at the property. A courtesy letter was issued stating
153 that the property had been identified as a rental and the Town would like them to permit it. Ms.
154 Richards asked if that was the first time the property had been inspected. Mr. Mincey replied yes.
155 Ms. Richards asked if the Town has confirmation that Mr. Hulbert is the person to receive any
156 order or decision made here. Attorney Smith clarified it would have to be sent to the person listed
157 on the tax appraiser and it could be sent to any additional addresses the Town wants. Mr. Mincey
158 stated Mr. Hulbert is listed as the property representative in the original paperwork. Mr. Fuess
159 referred to the list of other issues identified in the rental inspection and asked what action was
160 being taken.. The smoke detectors, etc., were not as significant as the other items; they focused on
161 life-safety items. He has spoken with the contractor and property representative regarding the other
162 noted items; they are in the works and will be completed. The Town generally allows property
163 representative time for repairs to be completed; once completed, a re-inspection of the property
164 will occur before the permit is issued. Chair Finch noted the contractor has installed two
165 smoke/carbon monoxide detectors. Chair Finch asked for confirmation that Mr. Mincey is looking
166 for an order of non-compliance. Mr. Mincey explained that since the repairs went significantly
167 beyond the date on the notice of violation, staff is asking for an order of non-compliance, assess
168 the \$250 administrative fee, and grant 30 days or until July 24, 2024 to correct the violations or
169 bring back for further adjudication at the August 26, 2024 hearing.

170
171 Chair Finch moved to find the property in non-compliance; assess the \$250 administrative fee;
172 grant 30 days or until July 24, 2024, to bring the property into compliance or bring back at the
173 August 26, 2024 hearing; seconded by Vice-Chair Cannon. The motion PASSED 5-0, with the
174 following vote: Chair Finch - yes; Vice-Chair Cannon – yes; Ms. Richards – yes; Mr. Michel –
175 yes; Mr. Fuess - yes.

- 176
177 **10. ATTORNEY DISCUSSION:** None.
178
179 **11. BOARD/STAFF DISCUSSION:** None.
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181 **12. ADJOURNMENT:** The hearing was adjourned at 10:00 a.m.

182
183 Next hearing date: Monday, July 22, 2024

184
185 Respectfully submitted by,

186
187 *Draft*

188
189 _____
189 Debbie Stewart, FCRM
190 Assistant Deputy Clerk



Meeting Date: July 22, 2024

Agenda Item: 8-A

Report to Code Enforcement Board

Topic: Case #2024-433
Owner(s): Jason & Jessica Prince
Property Address: 102 Rains Drive
Violation(s): Work without permits

Summary: On June 24, 2024, this case was presented to the Board. The owners were found in non-compliance and granted until July 22, 2024 to secure the required permits.

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: Travis Mincey, Rental Housing Inspector
DATE: June 4, 2024
DATE OF MEETING: June 24, 2024

Case Number: 2024-433
Address: 102 Rains Dr

Alleged Violation:
Work without permits.

Florida Building Code
105.1 Required

Brief History:

On April 24, 2024, construction was observed taking place at the residence. A permit check revealed that no active permits were issued for the property.

Workers led staff to the rear yard where a deck was being constructed and siding was removed from the home.

On April 26, 2024, a Notice of Violation / Hearing was issued with a compliance date of May 17, 2024.

As of June 4, 2024, no permit application has been submitted, nor any contact has been made by the ownership.

This case was heard by the Code Enforcement Board on June 24, 2024, at which time the owners were found to be in violation of the cited sections of adopted code. Owners were granted additional time (until July 22, 2024), to secure the required permits.

June 26, 2024, permit number 693-2024 for the work being performed was issued.

Recommendation:

Staff would recommend that the Board reiterate the original order of non-compliance with the \$250 administrative fee, and dismiss 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.: 2024-433

JASON & JESSICA PRINCE,

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This cause was heard on the 24th day of June, 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 102 Rains Drive, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6437-03-00-0110 (the "Subject Property").
2. On April 26, 2024, 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.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

3. Respondents are in violation of Sections 105.1 of the Florida Building Code, as adopted by the Town of Ponce Inlet.
4. Respondents remain in violation, after the compliance deadline
5. 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.
6. Respondents shall be brought back to the next scheduled meeting date of July 22, 2024 for further adjudication.
7. 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 24TH day of June, 2024.

Peter Finch
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 28th day of June, 2024.

David Hooker
David Hooker, Code Compliance Manager



Meeting Date: July 22, 2024

Agenda Item: 8-B

Report to Code Enforcement Board

Topic: Case #2024-446
Owner(s): Lucille & Bruce Lambert Charitable Foundation
Property Address: 101 Old Carriage Road
Violation(s): Work without permits

Summary: On June 24, 2024, this case was presented to the Board. The owners were found in non-compliance and granted 30 days or until July 22, 2024 to cure the violations.

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: Travis Mincey, Rental Housing Inspector
DATE: June 4, 2024
DATE OF MEETING: June 24, 2024

Case Number: 2024-446
Address: 101 Old Carriage Rd

Alleged Violation:
Property Maintenance issues involving dwelling.

Florida Building Code
105.1 Required

International Property Maintenance Code
102.2 Maintenance
304.15 Doors
304.6 Exterior Walls

Brief History:
While conducting a Rental Property Maintenance Inspection, violations of both the Florida Building Code and International Property Maintenance Code were observed.

A permit check revealed that recent plumbing work including re-piping of the kitchen drains had occurred without the necessary permit or inspection. During the inspection additional violations of the International Property Maintenance Code were observed.

Those items included open gaps to the exterior of the home in the kitchen and garage areas. Also noted was an incorrectly sized door installed in the garage.

Once completing the required inspection, a copy of the inspection report was forwarded to property representatives.

Following the staff report a Notice of Violation / Hearing was issued on April 26, 2024, with a compliance date of May 24, 2024.

On May 31, 2024, the Rental Housing Inspector was contacted by a representative of the property to discuss the details of the violations and how to cure them.

This case was heard by the Code Enforcement Board on June 24, 2024. The owners were found to be in violation of the cited sections of the adopted code and granted until July 24, 2024 to cure the violations, or be brought back for further adjudication.

On June 27, 2024, the contractor was issued their permit for repair work as noted in the violation notice.

Recommendation:

Staff would recommend that the Board reiterate the original order of non-compliance with the \$250 administrative fee, and dismiss 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.: 2024-446

LAMBERT CHARITABLE FOUNDATION, INC.

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This cause was heard on the 24th day of June, 2024 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondent 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 owner of property located at 101 Old Carriage Road, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6313-01-00-0450 (the "Subject Property").
2. On April 26, 2024, the Rental Housing Inspector issued a Notice of Violation to Respondent citing a violation of Sections 105.1 of the Florida Building Code, Sections 102.2, 304.15, 304.6 of the International Property Maintenance Code as adopted by the Town of Ponce Inlet.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

3. Respondent is in violation of Sections 105.1 of the Florida Building Code, and Sections 102.2, 304.15, and 304.6 of the International Property Maintenance Code, as adopted by the Town of Ponce Inlet.
4. Respondent remains in violation, after the compliance deadline
5. 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.
6. Respondent shall be allowed until July 24, 2024 to cure the violations found herein. Failure to do so, will result in this case being brought back to the next scheduled Hearing on August 26, 2024 and may result in imposition of fines.

7. 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 24TH day of June, 2024.

Peter Finch

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 28TH day of June, 2024.

David Hooker

David Hooker, Code Compliance Manager



Meeting Date: July 22, 2024

Agenda Item: 9-A

Report to Code Enforcement Board

Topic: Case #2024-412
Owner(s): Dennis & Teresa Craig
Property Address: 70 Seawinds Circle
Alleged Violation(s): Rental permit requirements

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: Travis Mincey, Rental Housing Inspector
DATE: July 9, 2024
DATE OF MEETING: July 22, 2024

Case Number: 2024-412
Address: 70 Seawinds Cir

Alleged Violation:
Failure to complete rental application requirements

Land Development Code
2.40.1 Interpretation of uses and structures permitted
3.18.1 Applicability
3.18.2 Applicability
3.18.3 Rental permit application process
3.18.4 General Regulations
3.18.5 Fees and Application Schedule
3.18.6 Enforcement and penalties
3.18.7 Annual Reporting Requirements
10.1.10 Submittal Requirements

Brief History:

While reviewing utility account information to identify potential rental properties it was determined that utility accounts for 68 and 70 Seawinds Circle were listed under the same last names.

A visit to 68 Seawinds Circle was made to determine if either property was being rented. At that time an occupant answered the door. When asked about the home next door at 70 Seawinds Circle, she stated the property was a rental.

A courtesy letter was drafted and sent via first class mail on April 5, 2024, asking that the property be permitted for rent.

Mr Craig made an in person visit to town hall where the ordinance and his need to obtain a rental permit was discussed. Mr. Craig stated that the \$500 fee is a tax and that his intention was to challenge the fee.

An incomplete Rental Permit Application was received on April 16, 2024. A follow up call was made to Mr Craig advising him the application was incomplete, missing the required Federal Tax ID, Florida Dept of Revenue Sales Tax ID and a Lodging License under Chapter 509. Alternatively, it was relayed a lease for 6 months and greater could be provided in lieu of the tax ID and lodging license.

On April 26, 2024, a follow up email was sent to the owner reiterating that's the received application is incomplete. Follow up phone calls were made on May 1st & May 3rd, 2024, in a effort to contact Mr Craig regarding the incomplete application

On May 8, 2024, the Rental Housing Inspector attempted to speak with Mr Craig at the contact phone number he provided. Unable to reach Mr Craig, a detailed list of outstanding items was provided to Mr. Craig's secretary at her request.

On May 31, 2024, a Notice of Violation was issued for failing to complete the permitting process with a compliance date of June 14, 2024.

Ms. Craig came into town hall to inquire about the application process. At that time, she had relayed there was a current lease in place between her and her tenants residing at 70 Seawinds Circle, however it was only signed by one party. Staff relayed that for the lease to be valid it must contain both the property owner and tenants' signatures. The lease was not provided at that time.

On June 18, 2024, Ms. Craig contacted staff via phone asking if we would accept an unsigned 1 year lease. She had relayed that the tenants had now vacated the residence and she was unable to secure their signatures. It was relayed the lease cannot be accepted due to missing both parties' signatures. Staff reviewed all licensure requirements with Ms. Craig in an effort to assist with permitting the property for rent.

On June 19, 2024, an unsigned lease referencing dates on October 1, 2023- September 30, 2024, was provided to the town. That lease included no signatures.

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) 267-6676

Case Number: **CODE2024-000412**

Case Type: **Code Enforcement**

Date Case Established: **04/05/2024**

Compliance Deadline: **06/14/2024**

Violation Notice

Owner: Dennis & Teresa Craig

Mailing Address

68 Seawinds Cir
 Ponce Inlet, FL 32127

Notice of Violation for the following location:

Address

70 SEAWINDS CIR
 PONCE INLET, FL 32127

Parcel

631308000140

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

The violation is for failing to complete your submitted rental application to the town.

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

Land Development Code

Section 2.40.1 - Interpretation of uses and structures permitted.

A use or structure that is not expressly permitted in a zoning district is prohibited.

Residential	Commercial					Public and Open Space			Use Regulation	
	Use	R-1	R-2	R-3	MF-1		MF-2	B-1		B-2
RESIDENTIAL ¹⁹¹										
	Dwelling rentals - short-term occupancy allowed only for properties formerly zoned T-1 (Tourist Commercial) prior to January 7, 2004 as a legal non-conforming use					P				



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

(386) 267-6676

Case Number: **CODE2024-000412**

Case Type: **Code Enforcement**

Date Case Established: **04/05/2024**

Compliance Deadline: **06/14/2024**

Violation Notice

Land Development Code Section 3.18.1 - Applicability.

A. Definitions.

Dwelling, rental. A residential building leased by its owner to one or more tenants for their use and occupancy on a temporary basis.

Rental, rent, rented, or renting. Includes the arranging of, contracting or advertising for, or the making available of the use of a dwelling unit for a finite period of time for any legal consideration. A rental arrangement is evidenced by the existence of a financial, business, barter, or employee/employer relationship between the legal or equitable owner of a dwelling unit and temporary occupant(s). Rental does not include the use of a dwelling unit by family members, friends or house-sitters, unless legal consideration is provided to the owner or usual occupant.

B. How permitted. See section 2.40, Table 2-5 (Table of Permitted Uses).

Land Development Code Section 3.18.2 - Applicability.

Rental of a dwelling is prohibited unless the owner of a rented dwelling holds a rental permit and fully satisfies all other requirements of this code. A rental permit allows the rental of a dwelling consistent with the requirements of this section.

Land Development Code Section 3.18.3 - Rental permit application process.

A. A rental permit application is filed with the director, and must include the information required by article 10.

B. Within five business days, the director shall:

1. Issue the rental permit if it complies with this section, or
2. Return the application as incomplete if it does not include the required information, or
3. Deny the application if it does not comply with this section.

Land Development Code Section 3.18.4 - General regulations.

The following regulations shall pertain to the rental of dwellings:

A. A contact person must be available 24 hours per day, seven days per week to respond to complaints regarding the conduct of the occupants of the subject dwelling.

B. Occupancy of individual units shall conform to the occupancy limits of all applicable building codes.

C. The owner or manager shall maintain a tenant and vehicle registration that includes the name and address of each unit's tenant and the make, year and tag number of the tenant's vehicle.

D. There shall be a written lease between the owner and tenant and that includes an explicit statement that the tenant agrees to follow these regulations.

E. Violation of these provisions may result in revocation of the rental permit for cause, upon notice and opportunity to be heard by the town council and subject to prosecution before the code enforcement



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

(386) 267-6676

Case Number: **CODE2024-000412**

Case Type: **Code Enforcement**

Date Case Established: **04/05/2024**

Compliance Deadline: **06/14/2024**

Violation Notice

board, and any other penalties, as provided for in section 3.18.6 below.

F. The rental permit application shall be filed with the town prior to rental of the subject property.

Land Development Code

Section 3.18.5 - Fees and application schedule.

A. A person or entity who is applying for or holds a rental permit shall pay an annual rental permit fee in an amount as established from time to time by resolution of the town council upon the filing of the rental permit application.

B. Fee revenues raised under this section shall fund a position in the code enforcement department of the town, and provide enforcement and processing personnel as needed and investigative services. The officer holding this position shall enforce this section.

C. All holders of a rental permit who continue to rent the subject dwelling shall submit a renewal application containing all the information required for the original rental permit application and pay the required rental permit fee by no later than October 1 of each year, or shall be subject to a late fee to be established by the resolution of the town council.

Land Development Code

Section 3.18.6 - Enforcement and penalties.

A. A violation of this section is punishable by a fine per day, per unit and per violation in accordance with Florida law commensurate with F.S. ch. 162.

B. The town council may revoke any rental permit for cause, upon notice and opportunity to be heard by the town council.

Land Development Code

Section 3.18.7 - Annual reporting requirements.

A. Annual summary report.

1. An annual summary report must be filed by:

2. All licensed real estate agents, brokers, agents or other parties who represent an owner of a property rented at any time during a calendar year; and

3. All owners of dwellings rented at any time during a calendar year.

4. The summary report is due by February 1 of each year.

5. The report shall reflect the rental activities of all subject dwellings within the town for the previous calendar year. This report shall include, at a minimum, the address of subject property and length of rental period per tenant.

6. The town shall maintain a third-party rental summary report form and make it available to the public upon request.

7. Violation of this requirement subjects violators to prosecution before the code enforcement board and other penalties in section 3.18.6.



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Violation Notice

B. Record keeping.

1. Annual record keeping is required for any of the entities listed in subsection 3.18.7.A above.

2. These entities shall maintain records indicating:

a. The name and address of each tenant during this period;

b. Each tenant's vehicle registration, which shall include the make, year and tag number of the tenant's vehicle; and

c. The written lease between the owner and tenant for inspection by the code enforcement officer upon request.

10.1.10 Rental permit applications.

A rental permit application must include the following information:

A. The complete street address and parcel number of the property;

B. Proof of ownership, including the name, mailing address, e-mail address, and telephone number of each person or entity with an ownership interest in the property;

C. The gross square footage of the dwelling, including the number of rooms, bedrooms, kitchens, and on-site parking spaces attributable to the rental;

D. A valid and current federal employer tax identification number or Social Security number for the property owner(s);

E. The name, mailing address, e-mail address, and 24-hour phone number of the rental property manager;

F. The signatures of all owners, authorized agents or authorized property managers;

G. For short-term rentals (renting less than four consecutive weeks), a current, approved inspection report from the fire marshal in accordance with Chapter 69A-43 of the Uniform Fire Safety Standards for Transient Public Lodging Establishments, Timeshares and Timeshare Unit Facilities; and

H. For short-term rentals and long-term rentals of six months or less, a valid and current Florida Department of Revenue sales tax identification number under F.S. ch. 212, and a valid and current license under F.S. ch. 509.



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Compliance Deadline: **06/14/2024**

Violation Notice

Compliance Date: 06/14/2024

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 July 22, 2024, at 9:30 Am, 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 fines 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 you own in the state of Florida in accordance with Florida Statute 162.09(3).

Kind Regards,

A handwritten signature in black ink, appearing to read "Travis Mincey". The signature is fluid and cursive.

Travis Mincey
Rental Housing Inspector

Certified Mail:

7018-2290-0001-0055-3997 68 Seawinds Circle Ponce Inlet, FL 32127

7018-2290-0001-0055-3980 70 Seawinds Circle Ponce Inlet, FL 32127



Meeting Date: July 22, 2024

Agenda Item: 9-B

Report to Code Enforcement Board

Topic: Case #2024-553
Owner(s): Amanda France
Property Address: 4495 South Atlantic Avenue #404
Alleged Violation(s): Violation of rental permit requirements

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: Travis Mincey, Rental Housing Inspector

DATE: July 9, 2024

DATE OF MEETING: July 22, 2024

Case Number: 2024-553
Address: 4495 South Atlantic Avenue #404

Alleged Violation:

Renting property for less than the allowable 28 days.
Failure to provide rental guest contracts to the town upon request.

Land Development Code

2.40.1 Interpretation of uses and structures permitted
3.18.1 Applicability
3.18.2 Applicability
3.18.4 General Regulations
3.18.7 Annual Reporting Requirements

Brief History:

On March 23, 2024, staff was invited to the Eastwinds Condominium HOA meeting to discuss rentals. A presentation was made to the board and attending owners following several complaints.

On May 22, 2024, staff received a complaint from a resident residing in East Winds condo that unit 404 was being rented on a short-term basis. That email stated that the tenants would be leaving May 25, 2024. A permit check indicated that the owner has a valid rental permit.

On May 25, 2024, staff received an additional email advising that the prior tenants have departed and new tenants arrived at 4:30pm.

On May 29, 2024, the property owner Ms. France was sent a request via email to provide tenant history via email in accordance with section 3.18.7. While a summary of bookings was provided by Ms. France. The town's specific request for reservation confirmation emails has gone unfulfilled.

On June 5, 2024, staff was made aware of a new renter occupying the unit. Additional correspondence including vehicle information was received via email on June 6, 2024.

On June 6, 2024, the Rental Housing Inspector contacted an occupant at the residence. When staff asked for the property owner the woman stated she did not know Ms. France and was renting the condo.

On June 7, 2024, staff observed that the vehicle previously parked in the assigned parking space was gone. Additional checks revealed the vehicle did not return.

On June 8, 2024, staff contacted a new party residing at the residence. When staff asked for the property owner. The occupants stated they are vacationing from Tennessee and checked in late the prior evening. She also stated they would be departing on 6.10.24. An email complaint was also received the same day which included a vehicle picture with Tennessee license plates.

On June 18, 2024, staff made contact with a new party. When staff asked for the property owner by name, they were unsure who Ms. France was stating that they are renting and will depart on June 21, 2024. On June 21, 2024, staff received an email from a resident stating that party residing in unit 404 has departed

On June 24, 2024, staff was made aware of a new tenant occupying the unit. On June 25, 2024, staff contacted an occupant who advised he was renting the condo and departing on Saturday June 29th.

Staff received an additional complaint of short-term guests on June 30, 2024.

Recommendation:

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



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Case Number: **CODE2024-000553**

Case Type: **Code Enforcement**

Date Case Established: **06/26/2024**

Compliance Deadline: **Immediately**

Violation Notice

Owner: Amanda France

Mailing Address

422 Emory Oak Street
Ocoee, FL 34761

Notice of Violation for the following location:

Address

4495 S ATLANTIC AVENUE #404
PONCE INLET, FL 32127

Parcel

631306024040

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

The violation and how to correct are as follows:

- 1- The violation is for renting your property for less than the allowable 28 days.
- 2- Failure to provide rental guest contracts to the town upon request.

How to correct:

Item number 1- Secure guest stays at 28 day and greater duration

Item number 2- Provide the town with rental contracts as requested on 5/29/2024 and 6/8/2024

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

Land Development Code

Section 2.40.1 - Interpretation of uses and structures permitted.

A use or structure that is not expressly permitted in a zoning district is prohibited.



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Violation Notice

Residential	Commercial					Public and Open Space	Use Regulation			
	R-1	R-2	R-3	MF-1	MF-2		B-1	B-2	PWD	
RESIDENTIAL ^[9]										
Dwelling rentals - short-term occupancy allowed only for properties formerly zoned T-1 (Tourist Commercial) prior to January 7, 2004 as a legal non-conforming use						P				

Land Development Code
Section 3.18.1 - Applicability.
 A. Definitions.

Dwelling, rental. A residential building leased by its owner to one or more tenants for their use and occupancy on a temporary basis.

Rental, rent, rented, or renting. Includes the arranging of, contracting or advertising for, or the making available of the use of a dwelling unit for a finite period of time for any legal consideration. A rental arrangement is evidenced by the existence of a financial, business, barter, or employee/employer relationship between the legal or equitable owner of a dwelling unit and temporary occupant(s). Rental does not include the use of a dwelling unit by family members, friends or house-sitters, unless legal consideration is provided to the owner or usual occupant.

B. How permitted. See section 2.40, Table 2-5 (Table of Permitted Uses).

Land Development Code
Section 3.18.2 - Applicability.

Rental of a dwelling is prohibited unless the owner of a rented dwelling holds a rental permit and fully satisfies all other requirements of this code. A rental permit allows the rental of a dwelling consistent with the requirements of this section.



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D. There shall be a written lease between the owner and tenant and that includes an explicit statement that the tenant agrees to follow these regulations.

E. Violation of these provisions may result in revocation of the rental permit for cause, upon notice and opportunity to be heard by the town council and subject to prosecution before the code enforcement board, and any other penalties, as provided for in section 3.18.6 below.

F. The rental permit application shall be filed with the town prior to rental of the subject property.

Land Development Code

Section 3.18.7 - Annual reporting requirements.

A. Annual summary report.

1. An annual summary report must be filed by:

2. All licensed real estate agents, brokers, agents or other parties who represent an owner of a property rented at any time during a calendar year; and

3. All owners of dwellings rented at any time during a calendar year.

4. The summary report is due by February 1 of each year.

5. The report shall reflect the rental activities of all subject dwellings within the town for the previous calendar year. This report shall include, at a minimum, the address of subject property and length of rental period per tenant.

6. The town shall maintain a third-party rental summary report form and make it available to the public upon request.

7. Violation of this requirement subjects violators to prosecution before the code enforcement board and other penalties in section 3.18.6.

B. Record keeping.



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Kind Regards,

A handwritten signature in black ink that reads "Travis Mincey".

Travis Mincey
Rental Housing Inspector

Certified Mail:

7018-2290-0001-0055-4017 Ponce Inlet, FL 32127

7018-2290-0001-0055-4031 Kissimmee, FL 34747

7018-2290-0001-0055-4024 Ocoee, FL 34761

7018-2290-0001-0055-4291 Orlando, FL 32824