



CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING

MONDAY
March 24, 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. February 24, 2025
3. ADMINISTERING THE OATH TO WITNESSES.
4. OLD BUSINESS:
5. NEW BUSINESS:
 - A. **Case # 2025-275**
Charles & Tennille Collins
4924 South Peninsula Drive
Alleged Violation: Work without permit
 - B. **Case # 2025-462**
Ponce Inlet Club South
Attention – Randy Clark & Michelle Orr, Property Managers
4799 South Atlantic Avenue
Alleged Violation: Milestone Inspection Requirement
 - C. **Case # 2022-758**
Doris & Jerry Clark
4505 South Atlantic Avenue # 703
Authorizing Foreclosure
6. ADJOURNMENT.

Next hearing date: Monday, April 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: March 24, 2025

Agenda Item: 2-A

Report to Code Enforcement Special Magistrate

Topic: February 24, 2025 Hearing Minutes

Summary:

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

Suggested motion:

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

Requested by:

Ms. Stewart, Assistant Deputy Clerk

Approved by:

Mr. Disher, Town Manager



**Town of Ponce Inlet
Code Enforcement Board
Meeting Minutes
February 24, 2025**

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

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

10
11 **3. ROLL CALL & DETERMINATION OF QUORUM:**

12 **Board Members Present:**

13 Ms. Richards, Seat #1

14 Mr. Van Valkenburgh, Seat #2

15 Mr. Finch, Seat #3, Chair

16 Mr. Michel, Seat #4

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

18
19 A quorum was established with five members present.

20
21 **Staff Members Present:**

22 Mr. Disher, Town Manager

23 Mr. Hooker, Code Compliance Manager

24 Ms. Hornbuckle, Code Administrative Assistant

25 Mr. Lear, Planning & Development Director

26 Attorney Pascucci, Code Board Attorney

27 Attorney Smith, Town Attorney

28 Ms. Stewart, Assistant Deputy Clerk

29
30 **4. ADOPTION OF THE AGENDA:** Chair Finch moved to adopt the agenda as presented;
31 seconded by Vice-Chair Cannon. The motion PASSED 5-0, consensus.

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33 **5. DISCLOSURE OF EX-PARTE COMMUNICATION:** None.

34
35 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Pascucci administered the *Oath*
36 to the witnesses who intended to provide testimony.

37
38 **7. APPROVAL OF THE MINUTES:**

39
40 **A. January 27, 2025 –** Vice-Chair Cannon moved to adopt the minutes as presented;
41 seconded by Mr. Michel. The motion PASSED 5-0, with the following vote: Vice-Chair Cannon – yes; Mr.
42 Michel – yes; Ms. Richards – yes; Chair Finch – yes; Mr. Van Valkenburgh – yes.

43
44 **8. OLD BUSINESS:**

46 **A. Case # 2025-039; Property Address: 4736 South Atlantic Avenue**
47 **Owner(s): Boglarka Szollosi & Rossen Simeonov**
48 **Alleged Violation(s): Work beyond scope of permit**
49

50 Mr. Hooker announced staff would like to incorporate agenda Item 8-B, Case #2025-046, 4738 South
51 Atlantic Avenue, with this item as they were presented together last month. He reviewed the violations
52 for both properties and explained this case was presented to the board on January 27, 2025, which found
53 the owners in non-compliance and granted them to January 31, 2025 to meet with staff and form a
54 mitigation plan; grant 30 days to meet mitigation requirements; incur the \$250 administrative fee per
55 property; and be brought back for further adjudication if needed. The owner met with staff on January 30,
56 2025, and has an approved mitigation plan; seven (7) shade trees, seven (7) sea grapes or buttonwoods,
57 and 33 shrubs (cocoa palms or Indian Hawthorns) will be planted on each property. He showed a drawing
58 of the mitigation plan depicting the tree/shrub placement on each property. The plants will start being
59 delivered today and tree replacement should be completed by the end of the week. The other aspect of this
60 case was the potential of wildlife on the property. He showed a photograph of gopher tortoises taken by a
61 resident across from the property in question, however, turtles have been seen on the property. Mr. Hooker
62 explained that Ms. Szollosi has met the requirements given so far; her mitigation plan was approved on
63 February 18, 2025; she has until March 12, 2025 to be in compliance. Attorney Smith explained the
64 previous order and that Ms. Szollosi has met the requirements for it.
65

66 Chair Finch stated the other aspect to this case is whether turtle nests were disturbed. Ms. Richards stated
67 the decision last month was to “consider a fine of \$5,000 per property and be brought back for further
68 adjudication”. She asked what the code is for surveys for vacant property clearing regarding wildlife. Mr.
69 Hooker explained hand clearing would not require a tree or turtle survey. Once earth-moving equipment
70 is brought in, a survey is required to be conducted for protected trees and gopher tortoise burrows.
71 Discussion ensued among the board members whether there were gopher tortoise burrows on the property;
72 it was noted that FWC was contacted, and they were unable to tell if there was any gopher tortoise activity
73 prior to clearing the property.
74

75 Ms. Szollosi, 191 Lake Sue Drive, Orlando, property owner, explained they purchased this property in
76 October and never saw any turtles or wildlife. The property was very bushy, with much vegetation. She
77 is incredibly sorry this happened and is trying to make it right as quickly as possible. She has paid \$21,500
78 thus far to make it right. Chair Finch asked what the town is looking for. Mr. Hooker explained the
79 outstanding \$250 administrative fee per property. The Board discussed the possibility of gopher tortoises
80 on the property prior to the clearing of it and any possible penalties. Mr. Hooker explained the options are
81 a one-time \$250 administrative fee per property; the \$5,000 is for irreversible damage for gopher turtles
82 per property, which has not been met. They can fine up to \$250 per violation per property; there are five
83 violations per property which he reviewed. Discussion continued amongst the board members.
84

85 Ms. Richards moved to find the property in compliance; assessed the \$250 administrative fee per property;
86 and assessed \$250 fine per violation per property; each property assessed \$1,500 total, for a grand total
87 amount of \$3,000; seconded by Mr. Van Valkenburgh. The motion PASSED 5-0, with the following vote:
88 Ms. Richards – yes; Mr. Van Valkenburgh – yes; Chair Finch - yes; Vice Chair Cannon – yes; Mr. Michel
89 – no.
90

91 **B. Case # 2025-046; Property Address: 4738 South Atlantic Avenue**

92 **Owner(s): Boglarka Szollosi & Rossen Simeonov**
93 **Alleged Violation(s): Work beyond scope of permit**
94

95 This item was heard together with the previous item.
96

97 **9. NEW BUSINESS:** None.
98

99 **10. ATTORNEY DISCUSSION:** None.
100

101 **11. BOARD/STAFF DISCUSSION:** Chair Finch announced this will be the last Code Enforcement
102 Board meeting of Ponce Inlet; he thanked the Code Enforcement Board members for serving with him;
103 he also thanked Mr. Hooker, Attorney Smith, and Ms. Stewart. Mr. Hooker stated it has been a privilege
104 to get know each of them over the last eleven years; he noted that although Attorney Cino was unable to
105 attend today, he was the Code Enforcement Board attorney since 1993. He thanked the Board members
106 for their service and encouraged them to get involved in another town board that may have a vacancy.
107

108 **12. ADJOURNMENT:** The hearing was adjourned at 10:08 a.m.
109

110 Next hearing date: Monday, March 24, 2025
111

112 Respectfully submitted by,
113

114 *Draft*

115 Debbie Stewart, FCRM
116 Assistant Deputy Clerk
117

118 Attachment(s): None



Meeting Date: March 24, 2025

Agenda Item: 5-A

Report to Code Enforcement Special Magistrate

Topic: Case #2025-275
Owner(s): Charles & Tennille Collins
Property Address: 4924 South Peninsula Drive
Alleged Violation(s): Work without permit

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: March 12, 2025

DATE OF MEETING: March 24, 2025

Case Number: 2025-275
Address: 4924 South Peninsula Drive
Alleged Violation: Work without permits
Property Owners: Charles & Tennille Collins

Synopsis of Violation:

During routine inspections, Town staff observed interior construction work in progress at the subject property. Upon inquiry, the on-site contractor confirmed the work had been performed, however the construction required appropriate building permits, which had not been obtained.

Timeline of Events:

- **January 16, 2025** – Case initiated for the work conducted without required permits and a stop work order posted on the property.
- **January 23, 2025** – Building permit application submitted for the windows and sliding doors replacement; however, the application did not cover all work being performed.
- **February 4, 2025** – Formal notice of violation and hearing issued due to the lack of a comprehensive permit application

- **February 12, 2025** – Certified mailing (notice) received by the property owner at their mailing address in Lake Helen, Florida
- **February 18, 2025** – Deadline for compliance requiring submission for the building permit application for all work being performed.
- **March 12, 2025** – No permit application submitted for the additional work

Recommendation:

It is recommended that the property be found in non-compliance with the Florida Building Code, section 105.1 as adopted by Town code. The property owner should be granted 30 days (**on or before Wednesday April 23, 2025**), to obtain the necessary building permit. Additionally, an administrative fee of **\$250** should be imposed in accordance with Florida Statutes 162.09.

Failure to comply within the specified timeframe will result in this case being brought back to the magistrate for further adjudication.



Meeting Date: March 24, 2025

Agenda Item: 5-B

Report to Code Enforcement Special Magistrate

Topic: Case #2025-462
Ponce Inlet Club South
Attention: Randy Clark & Michelle Orr, Property Managers
Property Address: 4799 South Atlantic Avenue
Alleged Violation(s): Milestone Inspection Requirement

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

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TO: Stephaine Velo, Special Magistrate

FROM: David Hooker, Code Compliance Manager

DATE: March 12, 2025

DATE OF MEETING: March 24, 2025

Case Number: 2025-462

Address: 4799 South Atlantic Avenue

Alleged Violation: Failure to provide required milestone inspection report

Property Owners: Ponce Inlet Club South COA,
Attention: Randy Clark & Michelle Orr, Property Managers

Synopsis of Violation:

In 2022 the state of Florida created a mandatory statewide structural inspection program for condominiums and cooperatives buildings after the deadly collapse of the Champlain Towers South Condominium in the city of Surfside, Florida. The inspection requirements apply to condominiums and cooperative buildings three or more stories in height and 25 years or older if located within three miles of the coast. This property has been identified as one of the buildings requiring inspection.

Timeline of Events:

- **June 28, 2024** – certified letter sent to property management about the State’s requirement on milestone inspection reporting and timeline to have it done
- **July 2024** - certified receipt returned to Town
- **December 31, 2024** – Deadline to have milestone report submitted to the Town

- **January 31, 2025** – Code case established with a compliance deadline of March 10, 2025
- **February 11, 2025** – A first class mailing of a Notice of violation/hearing sent to 40 property owners as well as management company. (First Class mailing)
- **February 14, 2025** – Randy Clark, Property Manager was hand delivered notice of violation/hearing as he submitted an agreement of professional services to the Town
- **March 12, 2025** – no milestone inspection report has been submitted, nor any further contact with management company, or engineering firm

Recommendation:

It is recommended that the property be found in non-compliance with the relevant sections of adopted Town code. The property owner should be granted 30 days (**on or before Wednesday April 23, 2025**), to submit the required milestone inspection report to the Town as required by state statute 553.899. Additionally, an administrative fee of **\$250** should be imposed in accordance with Florida Statutes 162.09.

Failure to comply within the specified timeframe will result in this case being brought back to the magistrate for further adjudication.



Meeting Date: March 24, 2025

Agenda Item: 5-C

Report to Code Enforcement Special Magistrate

Topic: Case #2022-758
Owners: Doris & Jerry Clark
Property Address: 4505 South Atlantic Avenue #703

Summary: Reiterate original motions to start foreclosure proceedings.

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

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TO: Stephaine Velo, Special Magistrate
FROM: David Hooker, Code Compliance Manager
DATE: March 12, 2025

DATE OF MEETING: March 24, 2025

Case Number: 2022-758
Address: 4505 South Atlantic Avenue #703
Property Owners: Doris & Jerry Clark

Synopsis:

In January 2024, staff presented this case to the Code Enforcement Board, requesting the Board’s recommendation of approval to initiate formal foreclosure proceedings on the property, which was granted. Subsequently, this case was brought before the Town Council which was granted approval.

Town Attorney Drew Smith has since reviewed the original order and how it was recorded. Attorney Smith’s recommendation is for the Town to re-record the order issued by the Code Enforcement Board to ensure that it was recorded as a “certified copy” in accordance with Florida Statutes 162.07(4).

The request to start the foreclosure proceedings has already been approved by Town Council. This measure is to reiterate the original motions by the Code Enforcement Board on January 22, 2024, and Town Council on February 15, 2024

Recommendation:

It is recommended that authorization be granted to continue with the foreclosure proceedings in accordance with Florida Statutes 162.09(3).