Special Magistrate
Wednesday, March 26, 2025 at 2:00 PM

City Commission Chambers
214 Sams Avenue, New Smyrna Beach, Florida 32168

1. CALL TO ORDER

2. APPROVAL OF MINUTES

2.A Consider the adoption of the Code Compliance Special Magistrate Meeting Minutes held on February 26, 2025.

3. SWEARING OF CITY STAFF, RESPONDENTS AND WITNESSES

4. OLD BUSINESS

4.A CCSM-0280-2024- 2506 MILTON AVE; OWNER: RICHARD PERHAM AND/OR ENTITY; OFFICER: BARBARA BOBELAK

4.B CCSM-0638-2024- 103 N. ORANGE ST.; OWNER: PEGGE W GARRIQUES TR AND/OR ENTITY; OFFICER: JASON YATES

4.C CCSM-0042-2025- 405 BOUCHELLE DR.; OWNER: BOUCHELLE 405 DEVELOPMENT LLC; OFFICER: HERMAN TRAUTWEIN

4.D CCSM-0047-2025- 448 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC.; OFFICER: HERMAN TRAUTWEIN

4.E CCSM-0050-2025- 462 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND I

CONDOMINIUM ASSOCIATION INC.; OFFICER: HERMAN TRAUTWEIN

4.F CCSM-0051-2025- 464 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC.; OFFICER: HERMAN TRAUTWEIN

4.G CCSM-0052-2025- 466 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC.; OFFICER: HERMAN TRAUTWEIN

4.H CCSM-0053-2025- 3700 S. ATLANTIC AVE.; OWNER: MARINERS COVE CONDOMINIUM ASSOCIATION; OFFICER: HERMAN TRAUTWEIN

5. NEW BUSINESS

5.A CCSM-0715-2024- 4393 S. SEA MIST DR; OWNER: EMAJIN OPERATIONS LLC TRUST C & S. SEA MIST 4393 LAND TRUST 4-26-24 TR; OFFICER: JASON YATES

5.B CCSM-0016-2025- 4395 S. SEA MIST DR.; OWNER: EMAJIN OPERATIONS LLC TRUST C & S. SEA MIST 4393 LAND TRUST 4-26-24-TR; OFFICER: JASON YATES

5.C CCSM-0843-2024- 400 N. RIVERSIDE DR; OWNER: BRYAN AND LISA MARIE WOOD AND/OR ENTITY; OFFICER: JOHN PARKS

5.D CCSM-0071-2025- 206 FLAGLER AVE.; OWNER: 206 FLAGLER PROPERTY LLC/NGAN NG0 AND TUAN NGUYEN AND KIMCHAU NGO AND/OR ENTITY; OFFICER: JASON YATES

6. REPEAT BUSINESS

7. LIEN AMNESTY APPLICATION

8. STAFF REPORT

9. ADJOURNMENT

Pursuant to Florida Statutes 286.0105, if an individual decides to appeal any decision made by the board, agency or commission of the City of New Smyrna Beach with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office in person or by mail at 210 Sams Avenue, New Smyrna Beach, Florida 32168, (386) 410-2630, prior to the meeting.

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CONSIDER THE ADOPTION OF THE CODE COMPLIANCE SPECIAL MAGISTRATE MEETING MINUTES HELD ON FEBRUARY 26, 2025.

March 26, 2025

Background:

A Code Compliance Special Magistrate Meeting was held on Wednesday, February 26, 2025. Meeting minutes are attached for your review and adoption consideration.

Fiscal Analysis:

None

Strategic Plan Item:

No

Staff Report Created By: Teresa Merck

Attachments:

NSB CCSM February Minutes for Approval 2025 Minutes..rtf

Special Magistrate Wednesday,
February 26, 2025, at 2:00 PM

City Commission Chambers
214 Sams Avenue, New Smyrna Beach, Florida 32168

1. CALL TO ORDER

Having been duly advertised as required by law, the regular meeting of the Code Compliance Special Magistrate of the City of New Smyrna Beach, Florida, was held on Wednesday, February 26, 2025, at the City Commission Chambers, 214 Sams Avenue, New Smyrna Beach, Florida 32168.

Special Magistrate Jessica Gow called the hearing to order at 2:01 PM and reviewed the procedures for the hearing.

2. APPROVAL OF MINUTES

The Special Magistrate approved the minutes from the January 22, 2025, meeting. She continued to explain the process for the meeting, advised of the appeal process and asked if there are any questions. There were none.

3. SWEARING OF CITY STAFF, RESPONDENTS AND WITNESSES

Board Secretary Teresa Merck administered the oath to the following City Staff and property representatives/owners: Barbara Bobelak, John Parks, Jason Yates, Herman Trautwein, Casey Jon Stappenbeck, John Hinton, Stephen Sather, Fred Godawa, and Steve Lane.

4. OLD BUSINESS

4.A CCSM-0256-2024- 30 CUNNINGHAM DR.; OWNER: AARON JOSEPH LINGO AND SKYE VERANA ZAMBRANO; OFFICER: JOHN PARKS

Officer John Parks Presenting.

The property owner was not present to comment.

On August 28, 2024, the Special Magistrate found Aaron Joseph Lingo and Skye Verana Zambrano and/or entity in violation of Sec. 26-171. (a) - Permits Required, and gave until September 25, 2024, to bring the property into full compliance. If the Special Magistrate found that the violation(s) was/were not corrected by this date, a fine of $50.00 per day may be imposed for each day the violation exist.

The order was posted on the property on August 30, 2024. The order was mailed certified mail to the property owner and was returned.

On September 25, 2024, the Special Magistrate continued the case to the November 13, 2024, hearing. The order was posted on the property on September 30, 2024, and mailed certified mail to the property owner and was returned.

On November 13, 2024, the Special Magistrate continued the case to the February hearing. The order was posted on the property on February 5, 2025, and certified mail to the property owner was signed for and accepted on February 7, 2025.

To date, the owners have been communicating with the building department and have obtained all permits except for one that is in the process of being applied for.

Officer Parks recommendation to the Special Magistrate was to continue the case to the May hearing to allow for more time for the permits to be processed.

The Special Magistrate agreed with Officer Park's recommendation and the next hearing is set for May 28, 2025.

It is the respondent's responsibility to notify Code Compliance for an inspection to determine compliance. The respondent may appeal this decision within 30 days. A repeat of this violation within five years may be subject to a fine of up to $500 per day.

4.B CCSM-0581-2023-536 N. DIXIE FREEWAY; OWNER: CRYPTOCURRENCY MINING INC; OFFICE: JASON YATES

Officer Jason Yates presenting.

The owner was not present to comment.

This case was previously heard on January 16, 2025.

At that time the Code Board granted a continuance of this case to be heard at the Special Magistrate on February 26, 2025, to allow time to correct the violations previously heard.

On July 17, 2024, the Special Magistrate found CRYPTOCURRENCY MINING INC and/or entity in violation of Sec. 74-146. - Local Business Tax (at that time 14 businesses were registered to this address) and LDR Sec. 504.02. - Regulation by Zoning District. If the Special Magistrate found that the violation(s) were not corrected, a one-time fine of $250 for each of the remaining businesses in need of a Business Tax Receipt and a fine of $50 a day for not meeting the Zoning Requirement may be imposed for each day the violation(s) exist.

The board order was mailed certified mail to the property owner on January 17, 2025. It was sent Certified mail and signed for on January 29, 2025, at 9:34am.

The Change-of-Use application was submitted on August 13, 2024, and was approved with conditions on January 15, 2025.

As of February 20, 2025, no permits have been applied for to meet the conditions of that approval.

It was Officer Yates recommendation to the Special Magistrate to impose a one-time fine of $250 for each of the 11 remaining businesses and a fine of $50 per day for not meeting the Zoning Requirement, commencing on August 16, 2024, until the property is brought into full compliance with a fine not to exceed the maximum amount of $20,000.00.

The Special Magistrate found the Cryptocurrency Mining Inc. and/or entity in violation of City Code Sec. 74-146. – Local Business Tax and imposed a one-time fine of $250.00 for each of the 11 remaining businesses and finds the property in violation of City Code LDR Sec. 504.02. - Regulation by Zoning District and imposed a fine of $50.00 per day until the property is brought into full compliance, with the fine not to exceed the maximum amount of $20,000.00.

The Special Magistrate requests an Affidavit of Compliance once the property is in full compliance. The respondents are further ordered to contact the code inspector to verify compliance with this order and to also be aware that the respondents have the right to appeal the order when it comes out within thirty days.

4.C CCSM-0258-2024- 824 DOWNING ST; OWNER: CASEY JON STAPPENBECK; OFFICER: HERMAN TRAUTWEIN

Officer Herman Trautwein presenting.

Owner, Casey Jon Stappenbeck was present to comment.

This property is zoned R2- Single family Residential.

On May 29, 2024, the Special Magistrate found Casey Jon Stappenbeck and/or entity in violation of NSB City Code 26-171. (a) - Permits Required.

At that time the case was continued to the July 2024 hearing, and then continued again at the September and November hearings which brings us to today. These continuances were due to various reasons, some consisting of the owner's issues of obtaining plans and hiring an engineering firm to submit the plans and then some delays due to the building departments review process of the plans.

If the Special Magistrate finds that the violation(s) was/were not corrected by this date, a fine of $50.00 a day may be imposed for each day the violation(s) exist.

The order to continue was posted on the property on Nov 26, 2024. The order was sent certified mail to the property owner and was signed for and accepted on Jan 6, 2025, in New Smyrna Beach FL.

Officer Trautwein has spoken with Mr. Stappenbeck many times concerning this issue and Mr. Stappenbeck wants to comply; however, it has been determined by the NSB Building Department that this project will need a variance to obtain approval. Mr. Stappenbeck submitted for the variance, and it is on schedule for the Planning and Zoning hearing in March.

Mr. Stappenbeck was a bit overwhelmed at the permitting process but has been diligent in trying to do what the building department has asked him to do for a permit.

Officer Trautwein requested a new compliance date of April 23, 2025, and another continuance of this case until the April 23, 2025, hearing. This will allow for a resolution to play out at the variance hearing and if approved, the subsequent permit process to take

place.

If the property is not brought into compliance, at the April hearing, Code Compliance will request a fine of $50.00 per day, beginning on April 23, 2025, and run until the property is brought into compliance, with the fine not to exceed the maximum amount of $15,000.

The Special Magistrate based on the testimony and evidence provided agrees to the continuance to the April 23, 2025, hearing date.

The Special Magistrate requests an Affidavit of Compliance once the property is in full compliance. The respondents are further ordered to contact the code inspector to verify compliance with this order and to also be aware that the respondents have the right to appeal the order when it comes out within thirty days.

4. D WITHDRAWN- CCSM-0418-2024- 120 MURRAY ST.; OWNER: LONI JOY SHUTLER AND JIM H. LOVING; OFFICER JOHN PARKS

4. E WITHDRAWN- CCSM-0474-2024- 804 HOPE AVE.; OWNER: DOUGLAS AND JENNIFER OVERHISER; OFFICER BARBARA BOBELAK

5. NEW BUSINESS

5.A CCSM-0535-2024- 780 PINE SHORES CIR; OWNER: HINTON PROPERTIES INC; OFFICER HERMAN TRAUTWEIN

Officer Herman Trautwein presenting.

The property owner, John Hinton, was present to comment.

On June 26, 2024, Code Compliance received a complaint stating that a dock was built on a canal without a permit, and mangroves were cut and destroyed on several occasions for the dock to be built or repaired and maintained at 778 Pine Shores Cir.

On July 2, 2024, an inspection was conducted and the actual address turned out to be 780 Pine Shores Cir., not 778 Pine Shores Cir. The property was found to be in violation of NSB City Code Sec. 26-171. (a) – Permits Required. There was vegetation cut down, but it was Brazilian Pepper Trees that were cut and not mangroves.

Also on July 2, 2024, a Notice of Violation was posted on the property with an initial compliance date of July 17, 2024. A copy was sent certified mail to the property owner and was signed for and accepted on July 5, 2024, at 12:41 pm in Daytona Beach FL.

The Owner, Mr. John Hinton, called and stated that he would do what it takes to obtain a permit, and it was determined by NSB Building Department that he first needed an exemption from DEP to have the dock. This approval process takes approximately 120 days, so Code Compliance moved Mr. Hinton's hearing date to allow for this time. Code Compliance also delayed this case to allow for the holidays and administrative issues which brings us to today's hearing.

A new Notice of Hearing and Notice of Violation was posted on January 30, 2025, and was signed for and accepted on February 3, 2025, in Daytona Beach FL at 12:40 pm.

Officer Trautwein has had numerous discussions with the owner, Mr. Hinton, concerning this issue and notified Code Compliance that he obtained the DEP approval on December 6, 2024.

With this being the case, Mr. Hinton still needed to take this to the NSB Building Department, along with other required documents to get the NSB permit. There was some confusion on Mr. Hinton's part that NSB Building officials would approve this per the DEP approval, however, NSB requires much more items, such as, a survey and plans and contractor information, etc.

Mr. Hinton wants to comply but has been very frustrated by the process. Officer Trautwein asked him to appear here today to explain just what time frame he needs to gather all information needed by the NSB Building Department and advise the Special Magistrate his plan for compliance.

On February 25, 2025, a follow-up inspection showed no change in permit status.

It is Officer Trautwein's recommendation to the Special Magistrate to find Hinton Properties Inc. and/or entity in violation of Sec. 26-171. (a) - Permits Required and give Mr. Hinton until April 15, 2025, to bring the property into compliance.

If the owner does not come into compliance by the compliance date of April 15, 2025, it will be Officer Trautwein's recommendation at the April 23, 2025, hearing to ask the Special Magistrate to impose a fine of $50.00 per day for each day until the property is brought into compliance with the fine not to exceed the maximum of $15,000.

Mr. Hinton spoke and explained that he thought the DEP permit would allow for the city permit to be approved. He also explained that he thought he could pull the permit

himself, but it is in an LLC, so he has a licensed contractor and a builder and an engineer involved as well.

Based on the testimony by Mr. Hinton and Officer Trautwein, the Special Magistrate found Hinton Properties Inc. and/or entity in Violation of Sec. 26-171. (a) - Permits Required and agreed to the continuance, and gave until April 15, 2025, to comply. In the event the respondents do not comply, a fine of $50.00 per day per violation may be imposed at the next hearing on April 23, 2025.

It is the respondent's responsibility to notify Code Compliance for an inspection to determine compliance. The respondent may appeal this decision within 30 days. A repeat of this violation within five years may be subject to a fine of up to $500 per day.

5.B WITHDRAWN- CCSM-0543-2024 – 1515 LIVE OAK ST; OWNER: PAGAN GROUP LLC; OFFICER JOHN PARKS

5.C CCSM-0407-2024- 1409 HILL ST.; OWNER: 1409 HILL ST LLC.; OFFICER: HERMAN TRAUTWEIN

Officer Herman Trautwein presenting.

Representative for the owner, Stephen Sather, was present to comment.

On May 16, 2024, Code Compliance received a complaint regarding a collapsing wall.

On May 28, 2024, an inspection was conducted, and the property was found to be in violation of NSB Code Sec. 26-914. – Property Maintenance Required- Subsection (6) Accessory improvements.

On May 29, 2024, a Notice of Violation was posted on the property with an initial compliance date of August 16, 2024. Certified mail was sent to the property owner and was signed for and accepted on June 1, 2024, in Lakewood, NJ.

On January 30, 2025, a new notice of Hearing and Notice of Violation was posted on the property with today's hearing date, February 20, 2025. A copy was also mailed certified mail to the property owner and was signed for and accepted February 3, 2025, in Lakewood, NJ at 11:00 am.

The representative for the owner of this property, Steve Sather, has been in touch with Code Compliance and the City Building Department concerning the issues at this property. There was an issue concerning weather this was considered a seawall or if this was a decorative landscaping wall. The difference would mean an extreme cost difference in repair. Meetings were conducted with the City Building Officials and Code Compliance has moved this case out several times to allow engineering firms and the city engineers to decide what needs to be done.

Mr. Sather assured Officer Trautwein that bids were in the process and the issue is being attended to as expediently as possible.

However, on February 25, 2025, a follow-up inspection showed no repairs in progress and no permits in place.

On behalf of the property owner, Mr. Sather has advised that the property needs additional time on this matter. He is here to speak on the issue.

Mr. Sather explained that the company is an LLC, and the board meets once a month, which happens to be today, February 26, 2025. They have selected a company (report provided by Mr. Sather) based on their availability to complete the project and their cost. Mr. Sather and the board will be providing the engineering firm with a retainer check to get started by March 12, 2025. The job completion estimate is 3 weeks from the March 12, 2025, start date and prior to turtle nesting season is of the essence.

Special Magistrate questioned whether the structure is a sea wall or decorative, and Mr. Sather explained there is a basic sea wall with a knee wall of concrete behind it and there is a patio behind that, all of which will be repaired.

With this being stated, based on the report and testimony, the Special Magistrate found 1409 Hill St LLC and/or entity in violation of NSB Code Sec. 26-914 (6) Accessory Improvements, and gave until April 15, 2025, to bring the property into full compliance. If the owner does not come into compliance, at the April 23, 2025, hearing, it is recommended to impose a fine of $100 a day to run each day until the property is brought into full compliance with a fine not to exceed the maximum of $15,000.

It is the respondent's responsibility to notify Code Compliance for an inspection to determine compliance. The respondent may appeal this decision within 30 days. A repeat of this violation within five years may be subject to a fine of up to $500 per day.

5.D CCSM-0608-2024- 2016 WOODLAND AVE; OWNER: ROBERT JARVIS, JR.; OFFICER: HERMAN TRAUTWEIN

Officer Herman Trautwein presenting.

The owner, Robert Jarvis, Jr., was present to comment.

On August 8, 2024, Officer Trautwein was assigned a complaint regarding junk in the yard and a dilapidated structure at this location.

On August 14, 2024, an inspection was conducted, and the property was found to be in violation of NSB Code Sec. 26-914 – Property Maintenance -subsection 2, 3, 4, 5, 6, 7, 8, 9 11, 13 and NSB Code 802.02 Storage on residential lots.

On August 19, 2024, a Notice of Violation was posted on the property with an initial compliance date of September 3, 2024. A copy was also mailed certified mail to the property owner and was signed for and accepted on August 23, 2024, at this location at 2:31 pm.

Due to the severity of the violations on this property and the elderly owner's physical limitations, Code Compliance has delayed this case to try to help the elderly owner and his daughter, who lives with him at the property, to find a solution to bring this property into compliance.

Code compliance met with Habitat for Humanity in Edgewater and had them go to this property to assess if they could help with some repairs, but the property owner has not accepted any help.

Code Compliance also took paperwork for Volusia Transform 386, which is a government program in which property owners who had their homes damaged by hurricane Ian or Milton can apply for assistance to complete storm-related repairs. But the homeowner did not follow up with this.

With sadness Officer Trautwein said that the owner is elderly and has been in and out of the hospital. The city has worked with delaying the hearing, but this case is dragging on and needs to have a resolution. Officer Trautwein has spoken with neighbors in the area, and they are not happy with the state of this property. There has been little movement on resolving any violations other than removing an untagged RV in September.

On February 3, 2025, Code Compliance received a call from a family friend of Mr. Jarvis's, George Voll, who stated that he will try to get this moved in the right direction, and he

was advised to come to this hearing and to ask for extra time if he is going to help take care of the Code Violation issues.

On February 25, 2025, a follow-up inspection showed this property still in violation of the stated city codes.

Owner, Mr. Robert Jarvis, Jr. spoke on his behalf. He explained that he has been in and out of the hospital for the last two years. He explained that he is working on the landscaping clean up and has a couple guys from his church that will help him put the fence back up. Mr. Jarvis explained that he has spoken with a Samsula company to help with clearing the property of the swimming pool and the metal structure but due to the cost it will need to be spread out amongst a couple months to come into compliance.

It is Officer Trautwein's recommendation that the Special Magistrate find Robert F. Jarvis Jr. and/or entity in violation of the following violation(s) that exist on the property:

Violation of City Codes

LDR 802.02. - Storage on Residential Lots Automotive Vehicles
Sec. 26-914. (2) - Exterior Surfaces
Sec. 26-914. (3) - Protection of Exterior Surfaces
Sec. 26-914. (4) - Exterior Windows and Doors
Sec. 26-914. (5) - Exterior Attachments
Sec. 26-914. (6) - Accessory Improvements
Sec. 26-914. (7) - Unoccupied Structure Security
Sec. 26-914. (8) - Landscaping
Sec. 26-914. (9) - Trash and Debris
Sec. 26-914. (11) - Swimming Pools
Sec. 26-914. (13) - Outdoor Storage

A new compliance date of April 15, 2025, is recommended to bring the property into full compliance. If the owner does not come into compliance, at the April 23, 2025, hearing, the Special Magistrate may impose a fine of $20 a day for each subsection of 26-914 - 2, 3, 4, 5, 6, 7, 8, 9, 11, 13 and $50 a day for LDR 802.02. – Storage on Residential Lots Automotive Vehicles, for a total of $250 a day to run for each day until the property is brought into compliance, with the fine not to exceed the maximum of $10,000.

Based on the testimony and photos, the Special Magistrate agreed with Officer Trautwein's recommendations and dates and found Robert Jarvis, Jr., and/or entity in violation of the City Codes listed above.

It is the respondent's responsibility to notify Code Compliance for an inspection to determine compliance. The respondent may appeal this decision within 30 days. A

repeat of this violation within five years may be subject to a fine of up to $500 per day.

5.E CCSM-0038-2025- 401 BOUCHELLE DR.; OWNER: BOUCHELLE 401 DEVELOPMENT LLC; OFFICER: HERMAN TRAUTWEIN

Officer Herman Trautwein presenting.

The owner was not present to comment.

On January 16, 2025, Code Compliance received a complaint from NSB Fire Inspector Fred Godawa regarding fire code violations at this address.

On January 15, 2025, Fire Inspector Godawa did an inspection, and the property was found to be in violation of NSB Code Section 42-13 Violations; code enforcement; hazard abatement.

On January 25, 2025, a Notice of Violation was posted on the property with an initial compliance date of February 11, 2025. A copy was also mailed certified mail to the property owner and according to the USPS it is still in transit.
Today, February 26, 2025, Fire Inspector Godawa emailed and stated the property is now in compliance.

It is Officer Trautwein's recommendation that the Special Magistrate find Bouchelle 401 Development LLC and/or entity in violation of NSB Code Sec. 42-13. – Violations; code enforcement; hazard abatement from February 11, 2025, to February 25, 2025, with no fine requested. It is also recommended that the Special Magistrate find the property in compliance as of February 26, 2025.

The Special Magistrate found Bouchelle 401 Development LLC and/or entity in non-compliance of violation of Sec. 42-13 -Violations; code enforcement; hazard abatement from February 11, 2025, to February 25, 2025, with no fine, and found them in compliance as of February 26, 2025.

It is the respondent's responsibility to notify Code Compliance for an inspection to determine compliance. The respondent may appeal this decision within 30 days. A repeat of this violation within five years may be subject to a fine of up to $500 per day.

5.F. CCSM-0042-2025- 405 BOUCHELLE DR.; OWNER: BOUCHELLE 405 DEVELOPMENT LLC; OFFICER: HERMAN TRAUTWEIN

Officer Herman Trautwein presenting.

The Owner was not present to comment.

On January 16, 2025, Code Compliance received a complaint regarding Fire Code Violations at this property.

On January 15, 2025, Fire Inspector Fred Godawa performed an inspection, and the property was found to be in violation of NSB Code Sec. 42-13. – Violations; code enforcement; hazard abatement.

On January 25, 2025, a Notice of Violation was posted on the property with an initial compliance date of February 11, 2025. A copy was also mailed certified mail to the property owner and according to the USPS, it is in transit.

On February 25, 2025, a follow-up inspection with the Fire Inspector shows the property is still in non-compliance.

It is the recommendation of Officer Trautwein that the Special Magistrate find Bouchelle 405 Development LLC and/or entity in violation of Sec. 42-13 Violations; code enforcement; hazard abatement and give until March 14, 2025, to bring the property into full compliance. If the owner does not come into compliance, it is the Staff's recommendation at the March Hearing to ask the Special Magistrate to impose a fine of $250.00 per day for each day the property remains in non- compliance, with a fine not to exceed the maximum of $25,000.

The Special Magistrate found Bouchelle 405 Development LLC and/or entity in non-compliance of violation of Sec. 42-13 Violations; code enforcement; hazard abatement and agreed with Officer Trautwein's recommendation for a compliance date of March 15, 2025, with the next hearing being scheduled for March 26, 2025, and will discuss additional time needed at this hearing for the permitting process, as needed.

It is the respondent's responsibility to notify Code Compliance for an inspection to determine compliance. The respondent may appeal this decision within 30 days. A repeat of this violation within five years may be subject to a fine of up to $500 per day.

5.G. WITHDRAWN- CCSM-0045-2025- 445 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND V CONDOMINIUM ASSOCIATION INC; OFFICER:

HERMAN TRAUTWEIN

5.H. CCSM-0046-2025- 446 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC; OFFICER: HERMAN TRAUTWEIN

5.I. CCSM-0047-2025- 448 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC; OFFICER: HERMAN TRAUTWEIN

5.K. CCSM-0050-2025- 462 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC; OFFICER: HERMAN TRAUTWEIN

5.L. CCSM-0051-2025- 464 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC; OFFICER: HERMAN TRAUTWEIN

5.M. CCSM-0052-2025- 466 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC; OFFICER: HERMAN TRAUTWEIN

Officer Herman Trautwein is presenting cases 5H, 5I, 5K, 5L, and 5M since the Owner, Bouchelle Island I Condominium Association Inc., is the same for all.

Patience Rafter and Jill Fuller, representatives for the property management company, were present to comment.

On January 16, 2025, Code Compliance received a complaint regarding Fire Code Violations at this property.

On January 16, 2025, Fire Inspector Fred Godawa performed an inspection, and the property was found to be in violation of NSB Code Sec. 42-13 Violations; code enforcement; hazard abatement.

On January 25, 2025, a Notice of Violation was posted on the property with an initial compliance date of February 11, 2025. A copy was also mailed certified mail to the property owner and was signed for and accepted on Jan 27, 2025, at 10:36am in Daytona Beach, FL.
On February 25, 2025, a follow-up inspection with the Fire Inspector shows the property is still in non-compliance.

Jill Fuller, the Property Manager, spoke on behalf of the properties and explained that the extensive sprinkler repair will take up to 7 days and the fire suppression company said they can't even schedule until March 23, 2025. The elevator keys should be resolved by end of day today.

It is Officer Trautwein's recommendation that the Special Magistrate find Bouchelle Island I Condominium Association Inc. and/or entity in violation of Sec. 42-13 Violations; code enforcement; hazard abatement and give until March 14, 2025, to bring the properties into full compliance. If the owner does not come into compliance, it will be recommended at the March 26, 2025 hearing to ask the Special Magistrate to impose a fine of $250.00 per day for each day that each of the properties remain in non- compliance, not to exceed the maximum fine of $60,000 for each of Buildings 446, 448 and 452 Bouchelle Dr. and $50,000 for 464 Bouchelle Dr. and $35,000 for 466 Bouchelle Dr.

The Special Magistrate found Bouchelle Island I Condominium Association Inc. and/or entity in non-compliance of violation of Sec. 42-13 Violations; code enforcement; hazard abatement for the properties listed above and agreed with Officer Trautwein's recommendation for a compliance date of March 15, 2025, with the next hearing being scheduled for March 26, 2025, and will discuss additional time needed at this hearing for the permitting process, as needed.

It is the respondent's responsibility to notify Code Compliance for an inspection to determine compliance. The respondent may appeal this decision within 30 days. A repeat of this violation within five years may be subject to a fine of up to $500 per day.

5.J. CCSM-0048-2025- 449 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND XIV CONDOMINIUM ASSOCIATION INC; OFFICER: HERMAN TRAUTWEIN

Officer Herman Trautwein presenting.

The owner was not present to comment.

On January 16, 2025, Code Compliance received a complaint regarding Fire Code Violations at this property.

On January 15, 2025, Fire Inspector Fred Godawa performed an inspection, and the property was found to be in violation of NSB Code Sec. 42-13 Violations; code enforcement; hazard abatement.

On January 25, 2025, a Notice of Violation was posted on the property with an initial compliance date of February 11, 2025. A copy was also mailed certified mail to the property owner and according to the USPS is still in transit.

On February 25, 2025, a follow-up inspection with the Fire Inspector shows the property

is still in non-compliance.

It is Officer Trautwein's recommendation that the Special Magistrate find Bouchelle Island XIV Condominium Association Inc. and/or entity in violation of Sec. 42-13 Violations; code enforcement; hazard abatement and give until March 14, 2025, to bring the property into full compliance. If the owner does not come into compliance, it will be Staff's recommendation at the March 26, 2025, hearing to ask the Special Magistrate to impose a fine of $250.00 per day for each day the property remains in non- compliance, with a fine not to exceed the maximum of $45,000.

The Special Magistrate found Bouchelle Island XIV Condominium Association Inc. and/or entity in non-compliance of violation of Sec. 42-13 Violations; code enforcement; hazard abatement and agreed with Officer Trautwein's recommendation for a compliance date of March 15, 2025, with the next hearing being scheduled for March 26, 2025, and will discuss additional time needed at this hearing for the permitting process, as needed.

It is the respondent's responsibility to notify Code Compliance for an inspection to determine compliance. The respondent may appeal this decision within 30 days. A repeat of this violation within five years may be subject to a fine of up to $500 per day.

5.N. CCSM-0053-2025- 3700 S. ATLANTIC AVE.; OWNER: MARINERS COVE CONDOMINIUM ASSOCIATION INC; OFFICER: HERMAN TRAUTWEIN

Officer Herman Trautwein presenting.

The representative for the Property Management Company, Henry B. Wright, was present to comment.

On January 16, 2025, Code Compliance received a complaint regarding Fire Code Violations at this property.

On January 16, 2025, Fire Inspector Fred Godawa performed an inspection, and the property was found to be in violation of NSB Code Sec. 42-13 Violations; code enforcement; hazard abatement.

On January 25, 2025, a Notice of Violation was posted on the property with an initial compliance date of February 11, 2025. A copy was also mailed certified mail to the property owner and according to the USPS, the mail is still in transit.

On February 25, 2025, after a follow-up inspection, the Fire Inspector shows the property is still in non-compliance.

Fred Godawa explained the remaining violations and the urgency of the flammable foam covering under the stairs.

Mr. Wright, president of the Condominium Association for a month, explained that they have a plan in place and will need more time for permitting and asked to come back to a hearing in April instead of March.

It is Officer Trautwein's recommendation that the Special Magistrate find Mariners Cove Condo Association and/or entity in violation of Sec. 42-13 Violations; code enforcement; hazard abatement and give until March 15, 2025, to bring the property into full compliance. If the owner does not come into compliance, it will be recommended at the March 26, 2025, hearing to ask the Special Magistrate to impose a fine of $250.00 per day for each day the property remains in non-compliance, with a fine not to exceed $115,000.

The Special Magistrate found Mariners Cove Condo Association and/or entity in non-compliance of violation of Sec. 42-13 Violations; code enforcement; hazard abatement and agreed with Officer Trautwein's recommendation for a compliance date of March 15, 2025, with the next hearing being scheduled for March 26, 2025, and will discuss additional time needed at this hearing for the permitting process, as needed.

It is the respondent's responsibility to notify Code Compliance for an inspection to determine compliance. The respondent may appeal this decision within 30 days. A repeat of this violation within five years may be subject to a fine of up to $500 per day.

6. REPEAT BUSINESS

7. LIEN AMNESTY APPLICATION

8. STAFF REPORT

9. ADJOURNMENT

As there was no further business to discuss, Special Magistrate declared the meeting adjourned at 3:24 P.M.

Pursuant to Florida Statutes 286.0105, if an individual decides to appeal any decision made by the board, agency or commission of the City of New Smyrna Beach with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office in person or by mail at 210 Sams Avenue, New Smyrna Beach, Florida 32168, (386) 410-2630, prior to the meeting.

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0280-2024- 2506 MILTON AVE; OWNER: RICHARD PERHAM AND/OR ENTITY; OFFICER: BARBARA BOBELAK

March 26, 2025

Background:
Violation of City Code Sec. 26-171. (a) - Permits Required

Compliance Date: April 29, 2024

Method of Service: Property posted on January 7, 2025; Certified mail sent on January 3, 2025 and returned to sender, unclaimed.

Findings:
At the Special Magistrate hearing on January 22, 2025 Hearing- Richard Perham and/or entity was found in violation of City Code Sec. 26-171. (a) - Permits Required.
Method of Service: Property posted on January 24, 2025; Certified mail signed for on January 25, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0280-2024- 2506 Milton Ave.pdf

CE-0280-2024 – 2506 MILTON AVENUE
CODE CASE DETAILED REPORT FOR CITY OF NEW SMYRNA BEACH

Case Type:	Code Enforcement	**Project:**		**Opened Date:**	04/15/2024
Status:	In Progress	**District:**	New Smyrna Beach	**Closed Date:**	NOT CLOSED
Assigned To:	Barbara Bobelak	**Description:**	Building a garage; no permit		

Parcel: 633602001650 Main	**Address:** 2506 Milton Av Main New Smyrna Beach, FL 32168	**Zone:** R-1 (SINGLE FAMILY RESIDENTIAL)

Owner

Richard Perham

2506 Milton Av
New Smyrna Beach, FL 32168

Note	Created By	Date and Time Created
1. Received an email from Tammy Dickerson, Building Maintenance, regarding a garage being built at this address.	Barbara Bobelak	4/15/2024 1:43 pm

Activity Type	Activity Number	Activity Name	User	Created On
Email	ACT-002906-2024	Complaint	Barbara Bobelak	04/15/2024
Notice of Violation Letter Sent	NOV-002908-2024	Certified Mail sent	Barbara Bobelak	04/16/2024

Violation Code: Sec. 26-171.(a)

Violation Status: In Violation

Citation Issue Date: 04/15/2024

Compliance Date: 04/29/2024

Resolved Date:

Code Description: Permits Required

Corrective Action: Obtain the required permit for the new structure.

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3676980 **Parcel ID: 633602001650**
PERHAM RICHARD **2506 MILTON AVE, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	3676980
Parcel ID:	633602001650
Township-Range-Section:	16 - 33 - 36
Subdivision-Block-Lot:	02 - 00 - 1650
Owner(s):	PERHAM RICHARD - FS - Fee Simple - 100%
Mailing Address On File:	2506 MILTON AVE NEW SMYRNA BEACH FL 32168
Physical Address:	2506 MILTON AVE, NEW SMYRNA BEACH 32168
Property Use:	0100 - SINGLE FAMILY
Tax District:	601-NEW SMYRNA BEACH
2023 Final Millage Rate:	17.0554
Neighborhood:	4604
Subdivision Name:	TURNBULL SHORES LOTS 1000-1257
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$397,784	$308,921	$0	$397,784	1.5000	$596.68
0012	DISCRETIONARY	$397,784	$308,921	$0	$397,784	0.7480	$297.54
0011	REQ LOCAL EFFORT	$397,784	$308,921	$0	$397,784	3.1610	$1,257.40
0050	GENERAL FUND	$397,784	$308,921	$88,863	$308,921	3.3958	$1,049.03
0053	LAW ENFORCEMENT FUND	$397,784	$308,921	$88,863	$308,921	1.4541	$449.20
0055	LIBRARY	$397,784	$308,921	$88,863	$308,921	0.4209	$130.02
0520	MOSQUITO CONTROL	$397,784	$308,921	$88,863	$308,921	0.1781	$55.02
0530	PONCE INLET PORT AUTHORITY	$397,784	$308,921	$88,863	$308,921	0.0692	$21.38
0058	VOLUSIA ECHO	$397,784	$308,921	$88,863	$308,921	0.2000	$61.78
0057	VOLUSIA FOREVER	$397,784	$308,921	$88,863	$308,921	0.2000	$61.78
0065	FLORIDA INLAND NAVIGATION DISTRICT	$397,784	$308,921	$88,863	$308,921	0.0288	$8.90
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$397,784	$308,921	$88,863	$308,921	0.8162	$252.14
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$397,784	$308,921	$88,863	$308,921	0.1793	$55.39
0271	NEW SMYRNA BCH I&S 2005	$397,784	$308,921	$88,863	$308,921	0.1900	$58.70
0272	NEW SMYRNA BCH I&S 2018	$397,784	$308,921	$88,863	$308,921	0.0990	$30.58
0270	NEW SMYRNA BEACH	$397,784	$308,921	$88,863	$308,921	4.4150	$1,363.89
						17.0554	$5,749.43

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	1	$95.00	$101.00
			$101.00

Estimated Ad Valorem Tax:	$5,749.43
Estimated Non-Ad Valorem Tax:	$101.00
Estimated Taxes:	**$5,850.43**
Estimated Tax Amount without SOH:	$6,885.37

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2023	$72,600	$311,101	$383,701	$280,837	$0	$280,837	$0
2022	$50,600	$303,580	$354,180	$255,306	$0	$255,306	$0
2021	$40,480	$213,036	$253,516	$232,096	$0	$232,096	$0
2020	$31,680	$179,316	$210,996	$210,996	$0	$210,996	$0
2019	$40,050	$173,467	$213,517	$213,517	$0	$213,517	$0
2018	$33,375	$173,982	$207,357	$207,357	$0	$207,357	$0
2017	$24,920	$161,514	$186,341	$145,839	$50,000	$95,839	$40,502
2016	$23,053	$132,704	$155,757	$142,839	$50,000	$92,839	$12,918
2015	$23,053	$127,437	$150,490	$141,846	$50,000	$91,846	$8,644

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

LOTS 1165 & 1166 TURNBULL SHORES MB 10 PGS 199-200 INC PER OR 4456 PG 2127 PER OR 7491 PGS 3463-3464 PER OR 7643 PG 4671

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0280-2024**

Violation Notice

Case Type: Code Enforcement
Date Case Established: 04/15/2024
Compliance Deadline: 04/29/2024

Owner: Richard Perham

Mailing Address

Richard Perham
2506 MILTON AV
NEW SMYRNA BEACH, FL 32168

Notice of Violation for the following location:

Address	Parcel
2506 MILTON AV NEW SMYRNA BEACH, FL 32168	**633602001650**

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.

Corrective Action: Obtain the required permit for the new structure. Apply for a permit online at www.cityofnsb.com or contact the Building Dept. at 386-410-2860.

Compliance Date: 04/29/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: 9489 0090 0027 6512 8112 46
(✓) Post

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0280-2024**

Violation Notice

Case Type: **Code Enforcement**

Date Case Established: **04/15/2024**

Compliance Deadline: **04/29/2024**

( ) Hand Delivery

Sincerely,

Barbara Bobelak

Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 410-2871
Email: bbobelak@cityofnsb.com

4/16/24

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

Richard Perham
2506 MILTON AV
NEW SMYRNA BEACH, FL
32168

CASE NO. CE-0280-2024
2506 MILTON AV
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **May 29, 2024 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

Richard Perham
2506 MILTON AV
NEW SMYRNA BEACH, FL
32168

CASE NO. CE-0280-2024
2506 MILTON AV
NEW SMYRNA BEACH, FL
32168

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested — Receipt Number: 9489 0090 0027 6512 8112 46

(✓) Post

( ) Hand Delivery

Barbara Bobelak

Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 410-2871
Email: bbobelak@cityofnsb.com
4/16/2024


F*CK BICK
AND F*CK YOU FOR VOTING
2506
PERHAM
HARLEY-DAVIDSON
City of New Smyrna Beach
Code Compliance
Ann Sams, AAI
New Smyrna Beach, FL
32168
386-410-3979
Owner: Richard Perham
Mailing Address
Richard Perham
2506 Hibiscus Rd
New Smyrna Beach, FL 32168
Notice of Violation for the following location:
Address
2506 HIBISCUS RD
NEW SMYRNA BEACH, FL 32168
Parcel
6338G2001650
Violation(s):
Apr 30, 2024, 11:26 AM

UNITED STATES POSTAL SERVICE

April 30, 2024

Dear Cindy Langdon:

The following is in response to your request for proof of delivery on your item with the tracking number: **9489 0090 0027 6512 8112 46**.

Item Details

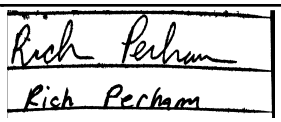
Status:	Delivered, Left with Individual
Status Date / Time:	April 27, 2024, 4:02 pm
Location:	NEW SMYRNA BEACH, FL 32168
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

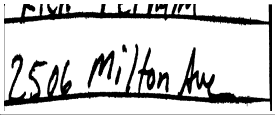
Weight:	1lb, 2.2oz

Recipient Signature

Signature of Recipient:



Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

Richard Perham
2506 MILTON AV
NEW SMYRNA BEACH,
FL 32168

CASE NO. CE-0280-2024
2506 MILTON AV
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **January 22, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

Richard Perham
2506 MILTON AV
NEW SMYRNA BEACH,
FL 32168

CASE NO. CE-0280-2024
2506 MILTON AV
NEW SMYRNA BEACH, FL
32168

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: 9214 8901 9403 8394 6794 19

(✓) Post

( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Contact: Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 410-2871
Email: bbobelak@cityofnsb.com
1/3/2025

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0280-2024**

Violation Notice

Case Type: Code Enforcement
Date Case Established: 04/15/2024
Compliance Deadline: 04/29/2024

Owner: Richard Perham

Mailing Address

Richard Perham
2506 MILTON AV
NEW SMYRNA BEACH, FL 32168

Notice of Violation for the following location:

Address	Parcel
2506 MILTON AV NEW SMYRNA BEACH, FL 32168	**633602001650**

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.

Corrective Action: Obtain the required permit for the new structure. Apply for a permit online at www.cityofnsb.com or contact the Building Dept. at 386-410-2860.

Compliance Date: 04/29/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:
(✓) Post 9489 0090 0027 6512 8112 46

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: CE-0280-2024

Violation Notice

Case Type: Code Enforcement
Date Case Established: 04/15/2024
Compliance Deadline: 04/29/2024

( ) Hand Delivery

Sincerely,

Barbara Bobelak

Barbara Bobelak
Code Compliance Supervisor
Phone: (386) 410-2871
Email: bbobelak@cityofnsb.com

4/16/24

Network:Jan 7, 2025 at 8:13:50 AM EST
Local:Jan 7, 2025 at 8:13:50 AM EST
N 29° 3' 26.124", W 80° 57' 33.579"
2506 Milton Ave
New Smyrna Beach FL 32168
United States

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: CE-0280-2024
Case Type: Code Enforcement
Date Case Established: 04/15/2024
Compliance Deadline: 04/29/2024

Violation Notice

Owner: Richard Perham

Mailing Address

Richard Perham
2506 MILTON AV
NEW SMYRNA BEACH, FL 32168

Notice of Violation for the following location:

Address	Parcel
2506 MILTON AV NEW SMYRNA BEACH, FL 32168	633602001650

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Compliance Date: 04/29/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: 9489 0090 0027 6512 8132 46
(✓) Post

UNITED STATES POSTAL SERVICE®

PROOF OF ACCEPTANCE (ELECTRONIC)

PRODUCED DATE: 01/07/2025

CITY OF NEW SMYRNA BEACH:

The following is information for Certified Mail™/RRE item number:

9214 8901 9403 8394 6794 19

Our records indicate that this item was accepted by the USPS at:

NO AUTHORIZED RECIPIENT AVAILABLE NEW SMYRNA BEACH,FL 32168 01/06/2025 16:08

ORIGINAL INTENDED RECIPIENT:

RICHARD PERHAM
2506 MILTON AVE
NEW SMYRNA FL 32168-5882

Case #: 0280-2024 2506 Milton Ave

The above information represents information provided by the United States Postal Service.

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

City of New Smyrna Beach, Florida, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0280-2024

VS.

Richard Perham,
Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was heard on **January 22, 2025**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative X did ____did not attend the hearing. The Special Magistrate, having heard testimony, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The property which is the subject of this Code Compliance action is located at

   Address: 2506 MILTON AVE, NEW SMYRNA BEACH 32168
   Parcel: 633602001650
   Legal description: LOTS 1165 & 1166 TURNBULL SHORES MB 10 PGS 199-200 INC PER OR 4456 PG 2127 PER OR 7491 PGS 3463-3464 PER OR 7643 PG 4671

2. The property was first inspected by a Code Compliance Officer on **April 15, 2024**. At the time of inspection, the Code Compliance Officer found the property to be in violation of the City of New Smyrna Beach Code of Ordinances.

3. The Respondent(s) was/were served a Notice of Violation on **April 27, 2024,** identifying the specific violation(s). The violation(s) was/were to be corrected by **April 29, 2024.** The Code Compliance Officer reinspected the property on **January 22, 2025,** and determined that the violation(s) was/were not corrected.

4. Based on the evidence presented at the hearing, it is determined that the following violation(s) exist on the property:

Violation: Sec. 26-171. (a) - Permits Required

IT IS THEREUPON ORDERED that:

A. Respondent(s) shall bring the property into compliance with the code provisions cited above by 1 p.m. on **March 19, 2025,** and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

B. **NEXT HEARING DATE:** This case shall be reviewed by the Special Magistrate at a public hearing on **March 26, 2025**, at **2:00 p.m.**, in the City Chambers, 214 Sams Ave., New Smyrna Beach, FL. The Special Magistrate will consider setting a fine and lien on the above case at this Public Hearing.

This Order may be appealed to the Circuit Court within 30 days of its execution.

DONE AND ORDERED on **January 22, 2025.**

TERESA MERCK
MY COMMISSION # HH 604610
EXPIRES: October 20, 2028

Jessica Gow
Special Magistrate

ATTEST:

Teresa Merck
Code Compliance Clerk

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 2506 MILTON AVE, NEW SMYRNA BEACH 32168 by:

(_√_) Certified Mail, Return Receipt Requested, Receipt #9214 8901 9403 8397 5495 59

(_√_) Post

(___) Hand Delivery

By: Teresa Merck, Code Compliance Clerk
Date: January 23, 2025

Network:Jan 24, 2025 at 12:35:44 PM EST
Local:Jan 24, 2025 at 12:35:44 PM EST
N 29° 3' 26.084", W 80° 57' 33.679"
2506 Milton Ave
New Smyrna Beach FL 32168
United States

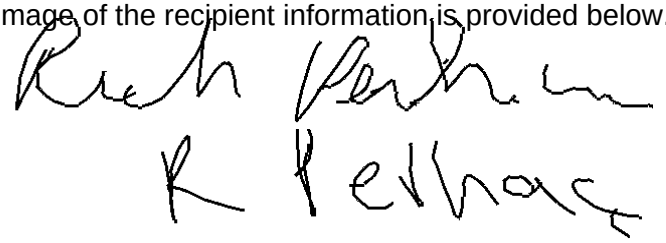
UNITED STATES POSTAL SERVICE

Date Produced: 01/27/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8397 5495 59. Our records indicate that this item was delivered on 01/25/2025 at 03:22 p.m. in NEW SMYRNA BEACH, FL 32168. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient : 2506 MILTON AVE, NEW SMYRNA BEACH, FL 32168

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

RICHARD PERHAM
2506 MILTON AVE
NEW SMYRNA FL 32168-5882

Customer Reference Number: C5602302.34021967

2

UNITED STATES POSTAL SERVICE®

Return address:

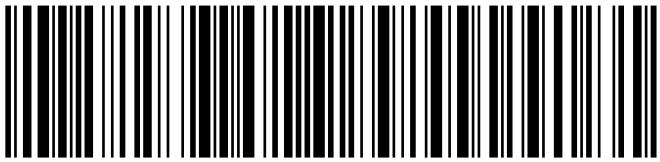
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

RICHARD PERHAM
2506 MILTON AVE
NEW SMYRNA FL 32168-5882

MAILING DATE: 01/23/2025
DELIVERY DATE: 01/25/2025

USPS CERTIFIED MAIL



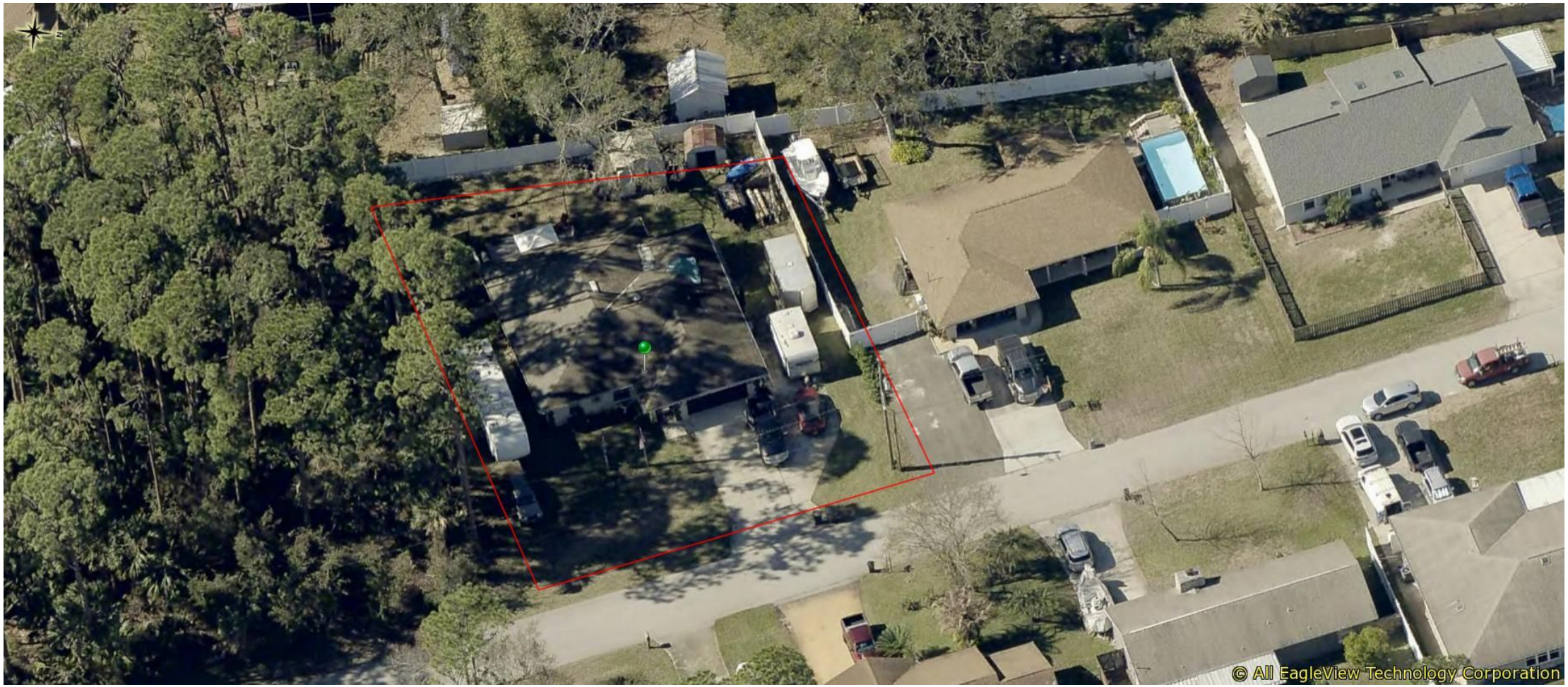
9214 8901 9403 8397 5495 59

USPS Tracking Label Number: 9214 8901 9403 8397 5495 59

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/23/2025 08:11
ORIGIN ACCEPTANCE	NEW SMYRNA BEACH,FL 32168	01/23/2025 22:27
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	01/23/2025 23:42
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	01/24/2025 19:26
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	01/25/2025 00:43
DELIVERED LEFT WITH INDIVIDUAL	NEW SMYRNA BEACH,FL 32168	01/25/2025 15:22

CASE #: 0280-2024 2506 MILTON AVE

2506 Milton Ave - 2 old sheds 1/23 - 2/23



01/16/2023

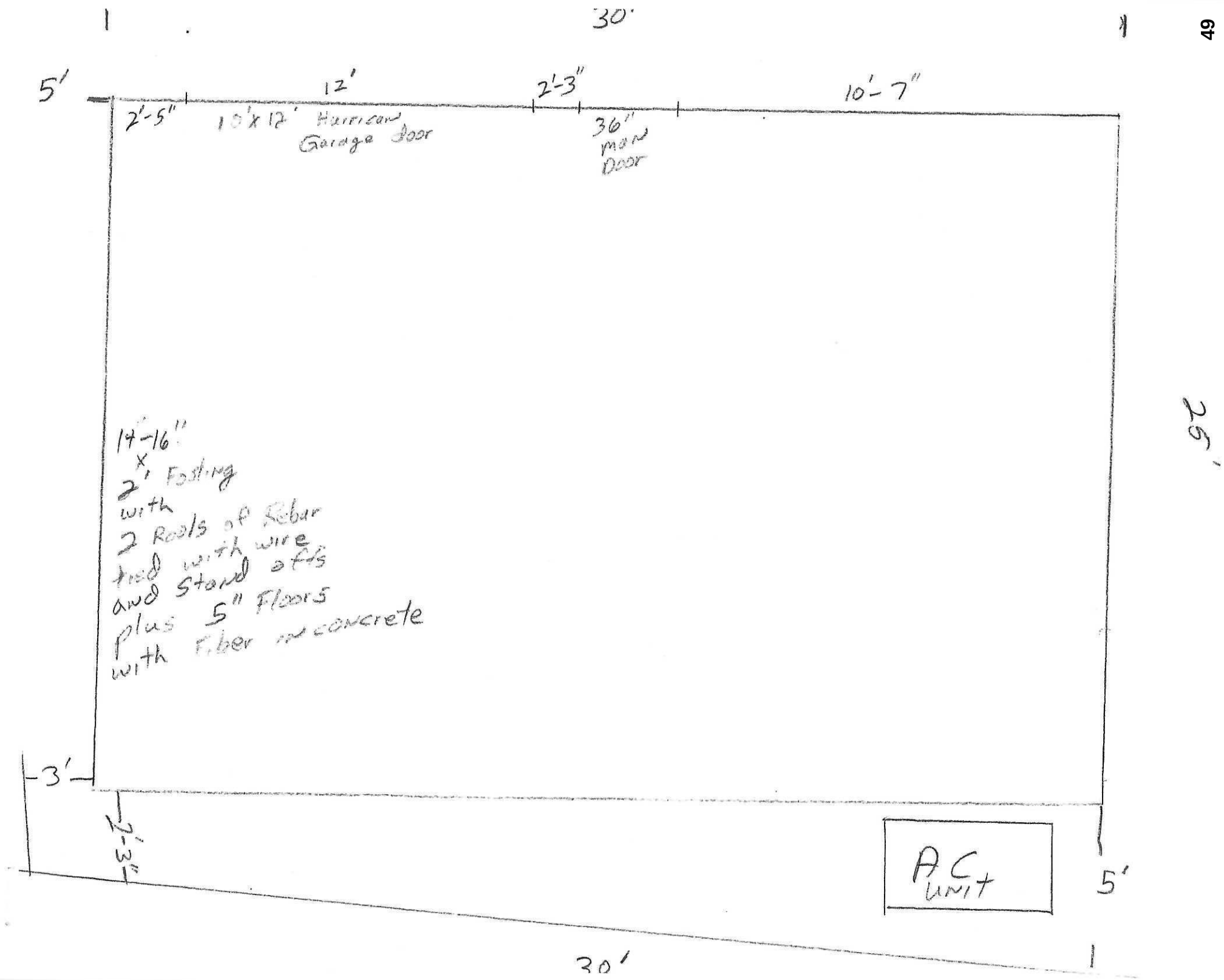
2506 Milton Ave 1/24 - 3/24



03/25/2024

Network:Jan 7, 2025 at 8:14:04 AM EST
Local:Jan 7, 2025 at 8:14:04 AM EST
N 29° 3' 26.124", W 80° 57' 33.579"
2506 Milton Ave
New Smyrna Beach FL 32168
United States

Network:Jan 7, 2025 at 8:14:21 AM EST
Local:Jan 7, 2025 at 8:14:21 AM EST
N 29° 3' 26.390", W 80° 57' 33.863"
2506 Milton Ave
New Smyrna Beach FL 32168
United States


30'
5'
12'
2'-3"
10'-7"
2'-5"
10'x12' Hurricane Garage Door
36" man Door
14"-16" x 2' Footing with 2 Rods of Rebar tied with wire and Stand offs plus 5" Floors with Fiber in concrete
3'
7'-3"
AC Unit
5'
30'
29'

Concrete Footer 14" to 16" Thick with 2 Rebars wire tied all the way in Footers with stand offs to hold them up. Floor 5" Thick

Walls Front and Back Framed with 2x4 P.T. 24" O.C.

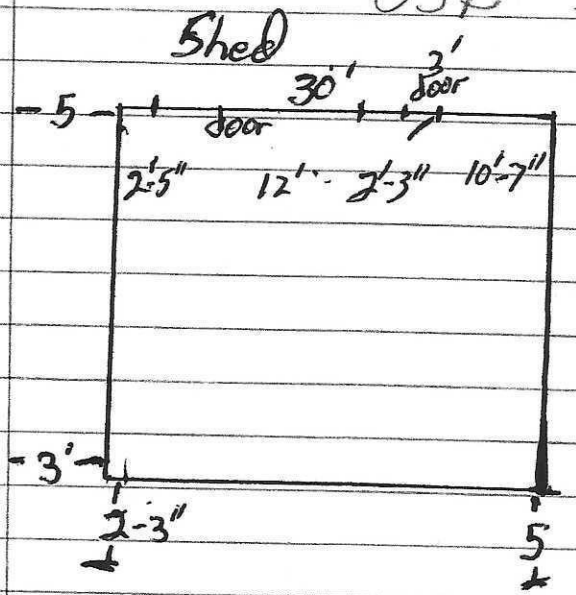
Steel Siding 26 gauge

Hurricane Proof Garage door High wided Proof

36" Intry door

Plugs + Light 12-2 wire for Plugs
14-2 wire for lights

Spray Foam Insulation
OSB SHeating Inside walls



THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0638-2024- 103 N. ORANGE ST.; OWNER: PEGGE W GARRIQUES TR AND/OR ENTITY; OFFICER: JASON YATES

March 26, 2025

Background:

Violation of City Code Sec. 26-171. (a) - Permits Required

Compliance Date: October 25, 2024

Method of Service: Property posted October 2, 2024. Certified mail sent October 1, 2024; Returned Unclaimed- unable to forward- return to sender.

Hearing continued to March 26, 2025;
Property posted on March 6, 2025. Certified mail sent on March 6, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0638-2024 103 N. Orange St.pdf

CODE CASE DETAILED REPORT CE-0638-2024
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Jason Yates
Project:
District: New Smyrna Beach
Description: Addition of deck without a permit
Opened Date: 08/20/2024
Closed Date: NOT CLOSED

Parcel: 744137010150 Main
Address: 103 N Orange St Main
New Smyrna Beach, FL 32168
Zone: MU (MIXED USE (CENTRAL BUSINESS DISTRICT))

Contractor
Three Bucks Construction Llc
-Dba Witch Doctor Woodworks
Matthew Vedder
5913 Riverside Drive
Port Orange, FL 32127
Business: (386) 843-0619

Owner
Garriques Pegge W Tr Pegge W
Garriques Rev Trust
4604 Van Kleeck Dr
New Smyrna Beach, FL 32169
Mobile: 3864275557

Violator
Garriques Pegge W Tr Pegge W
Garriques Rev Trust
4604 Van Kleeck Dr
New Smyrna Beach, FL 32169
Mobile: 3864275557

Note	Created By	Date and Time Created
1. On 08-20-2024 I was reporting to 103 N Orange St. for a business tax receipt inspection, when I noticed a deck being built. I checked our system and found that no permit was issued or applied for. I issued a stop work order and took photos of the job, which have been uploaded. I was informed by the GC (Matthew Vedder) that it was originally just a repair job but, during the repair it turned into a whole replacement job. I informed him that a permit was needed for this job and he informed me that he would go apply for one. Case continues	Jason Yates	8/27/2024 9:18 am
2. On 08-26-2024 I reached out to Matthew Vedder to see where he was in the process of applying for an after the fact permit. He informed me that he went into the building dept to see what was needed from them. They explained to him that he would need an engineer to submit drawing of the decking/ramp. I called the Building Dept after this conversation and they confirmed what Matthew spoke of. Case continues.	Jason Yates	8/27/2024 9:25 am

Activity Type	Activity Number	Activity Name	User	Created On
Notice of Violation Letter Sent	NOV-003449-2024		Jason Yates	10/01/2024

Violation Code: Sec. 26-171. (a)
Code Description: Permits Required
Corrective Action: Obtain a building permit for decking
Violation Status: In Violation
Citation Issue Date: 10/01/2024
Compliance Date: 10/25/2024
Resolved Date:

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3878752 **Parcel ID: 744137010150**
GARRIQUES PEGGE W TR **105 N ORANGE ST, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	3878752
Parcel ID:	744137010150
Township-Range-Section:	17 - 34 - 41
Subdivision-Block-Lot:	37 - 01 - 0150
Owner(s):	GARRIQUES PEGGE W TR - TR - Trust - 100% PEGGE W GARRIQUES REV TRUST - TR - Trust - 100%
Mailing Address On File:	4604 VAN KLEECK DR NEW SMYRNA BEACH FL 32169
Physical Address:	105 N ORANGE ST, NEW SMYRNA BEACH 32168
Property Use:	1200 - STORE/OFF/RES
Tax District:	601-NEW SMYRNA BEACH
2024 Proposed Millage Rate:	17.1307
Neighborhood:	7468
Subdivision Name:	
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$752,561	$527,772	$0	$752,561	1.5000	$1,128.84
0012	DISCRETIONARY	$752,561	$527,772	$0	$752,561	0.7480	$562.92
0011	REQ LOCAL EFFORT	$752,561	$527,772	$0	$752,561	3.0370	$2,285.53
0050	GENERAL FUND	$752,561	$527,772	$224,789	$527,772	3.2862	$1,734.36
0053	LAW ENFORCEMENT FUND	$752,561	$527,772	$224,789	$527,772	1.5994	$844.12
0055	LIBRARY	$752,561	$527,772	$224,789	$527,772	0.3891	$205.36
0520	MOSQUITO CONTROL	$752,561	$527,772	$224,789	$527,772	0.1647	$86.92
0530	PONCE INLET PORT AUTHORITY	$752,561	$527,772	$224,789	$527,772	0.0692	$36.52
0058	VOLUSIA ECHO	$752,561	$527,772	$224,789	$527,772	0.2000	$105.55
0057	VOLUSIA FOREVER	$752,561	$527,772	$224,789	$527,772	0.2000	$105.55
0065	FLORIDA INLAND NAVIGATION DISTRICT	$752,561	$527,772	$224,789	$527,772	0.0288	$15.20
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$752,561	$527,772	$224,789	$527,772	0.7506	$396.15
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$752,561	$527,772	$224,789	$527,772	0.1793	$94.63
0271	NEW SMYRNA BCH I&S 2005	$752,561	$527,772	$224,789	$527,772	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$752,561	$527,772	$224,789	$527,772	0.0914	$48.24
0270	NEW SMYRNA BEACH	$752,561	$527,772	$224,789	$527,772	4.8870	$2,579.22
						17.1307	$10,229.11

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	2	$104.00	$208.00
			$208.00

Estimated Ad Valorem Tax:	$10,229.11
Estimated Non-Ad Valorem Tax:	$208.00
Estimated Taxes:	**$10,437.11**
Estimated Tax Amount without SOH:	$13,099.90

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2023	$420,000	$315,106	$735,106	$479,793	$0	$479,793	$0
2022	$330,000	$262,384	$592,384	$436,175	$0	$436,175	$0
2021	$165,000	$231,523	$396,523	$396,523	$0	$396,523	$0
2020	$142,500	$233,008	$375,508	$372,582	$0	$372,582	$0
2019	$135,000	$219,206	$354,206	$338,711	$0	$338,711	$0
2018	$127,500	$226,495	$353,995	$307,919	$0	$307,919	$0
2017	$105,000	$222,717	$327,717	$279,926	$0	$279,926	$0
2016	$90,000	$203,741	$293,741	$254,478	$0	$254,478	$0
2015	$82,500	$189,486	$271,986	$231,344	$0	$231,344	$0

Land Data

#	Land Use	Type	Units	Acres	Sq Feet	FF	Depth	Rate	Just Value
1	1200-MIXED, STORE and OFFICE	SQUARE FEET			15000			28	$420,000

Total Land Value: $420,000

Miscellaneous Improvement(s)

#	Type	Year	Area	Units	Depreciated Value
1	DEC-DECK WOOD	2003	326	1	$1,704

Sales History

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description and/or recorded and indexed with the Clerk of the Court. Follow this link to search all documents by owner's name.

Book/Page	Inst #	Sale Date	Deed Type	Q/U	V/I	Sale Price
5838 / 3230	2006134871	06/15/2001	WD-WARRANTY DEED	UNQUALIFIED	Improved	$100
4702 / 3884	2001126224	06/15/2001	WD-WARRANTY DEED	UNQUALIFIED	Improved	$150,000
4123 / 1806	1996122751	07/15/1996	WD-WARRANTY DEED	UNQUALIFIED	Improved	$80,000
2724 / 1060		08/15/1985	WD-WARRANTY DEED	UNQUALIFIED	Improved	$80,000
2267 / 1474		05/15/1981	WD-WARRANTY DEED	UNQUALIFIED	Improved	$70,000
2080 / 1649		06/15/1979	CD-COUNTY DEED	UNQUALIFIED	Improved	$20,000
1911 / 1904		07/15/1977	QC-QUIT CLAIM DEED	UNQUALIFIED	Improved	$9,500

Recent Neighborhood Sales

Alt Key	Address	City	Property Class	NBHD	Sale Date	Sale Price
3879830	301 LIVE OAK ST	NEW SMYRNA BEACH	0800-MFR <10 UNITS	7468	05/20/2024	$1,050,000
3879554	115 S LIVE OAK ST	NEW SMYRNA BEACH	1200-STORE/OFF/RES	7468	03/21/2024	$1,300,000
3880226	118 LIVE OAK ST	NEW SMYRNA BEACH	1000-VACANT COMM	7468	01/17/2024	$417,600
3879821	208 DOUGLAS ST	NEW SMYRNA BEACH	1200-STORE/OFF/RES	7468	01/11/2024	$247,900
3880293	200 LIVE OAK ST	NEW SMYRNA BEACH	1200-STORE/OFF/RES	7468	12/27/2023	$749,000
3879571	204 MAGNOLIA ST	NEW SMYRNA BEACH	1200-STORE/OFF/RES	7468	08/07/2023	$1,250,000

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

N 75 FT OF LOT 15 BLK 1 V LOWDS NEW SMYRNA MB 1 PG 144 PER OR 4702 PG 3884 PER OR 5838 PG 3230 PER OR 7043 PG 4020

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0638-2024**
Case Type: **Code Enforcement**
Date Case Established: **08/20/2024**
Compliance Deadline: **10/25/2024**

Owner: GARRIQUES PEGGE W TR PEGGE W GARRIQUES REV TRUST

Mailing Address

GARRIQUES PEGGE W TR PEGGE W GARRIQUES REV TRUST
4604 VAN KLEECK DR
NEW SMYRNA BEACH, FL 32169

Notice of Violation for the following location:

Address

103 N ORANGE ST
NEW SMYRNA BEACH, FL 32168

Parcel

744137010150

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.
Corrective Action: Obtain a building permit for decking
Compliance Date: 10/25/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0638-2024**
Case Type: **Code Enforcement**
Date Case Established: **08/20/2024**
Compliance Deadline: **10/25/2024**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: 9489 0090 0027 6512 8131 89
(✓) Post
( ) Hand Delivery

Sincerely,

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com

10/1/24

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

GARRIQUES PEGGE W
TR PEGGE W
GARRIQUES REV TRUST
4604 VAN KLEECK DR
NEW SMYRNA BEACH,
FL 32169

CASE NO. CE-0638-2024
103 N ORANGE ST
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **November 13, 2024 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

GARRIQUES PEGGE W
TR PEGGE W
GARRIQUES REV TRUST
4604 VAN KLEECK DR
NEW SMYRNA BEACH,
FL 32169

CASE NO. CE-0638-2024
103 N ORANGE ST
NEW SMYRNA BEACH, FL
32168

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested — Receipt Number: 9489009000276512813189

(✓) Post

( ) Hand Delivery

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com
10/1/2024

Network:Oct 2, 2024 at 12:00:01 PM EDT
Local:Oct 2, 2024 at 12:00:01 PM EDT
N 29° 1' 28.009", W 80° 55' 32.034"
105 N Orange St
New Smyrna Beach FL 32168
United States

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

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NEW SMYRNA BEACH, FL 32168

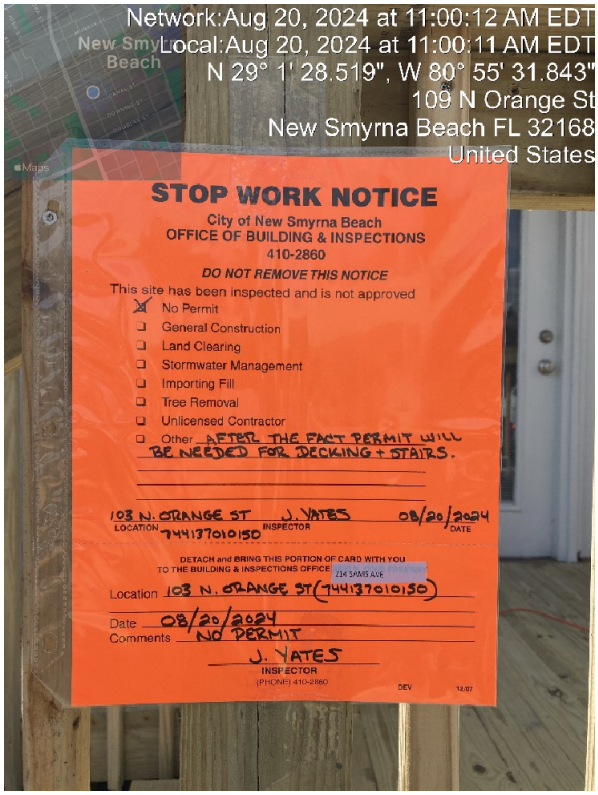
Parcel

744137010150

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Corrective Action: Obtain a building permit for decking
Compliance Date: 10/25/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.


Network:Aug 20, 2024 at 11:00:25 AM EDT
Local:Aug 20, 2024 at 11:00:25 AM EDT
N 29° 1' 28.519", W 80° 55' 31.843"
109 N Orange St
New Smyrna Beach FL 32168
United States
New Smyrna Beach
Maps


Network:Aug 20, 2024 at 11:00:12 AM EDT
Local:Aug 20, 2024 at 11:00:11 AM EDT
N 29° 1' 28.519", W 80° 55' 31.843"
109 N Orange St
New Smyrna Beach FL 32168
United States
STOP WORK NOTICE
City of New Smyrna Beach
OFFICE OF BUILDING & INSPECTIONS
410-2860
DO NOT REMOVE THIS NOTICE
This site has been inspected and is not approved
X No Permit
General Construction
Land Clearing
Stormwater Management
Importing Fill
Tree Removal
Unlicensed Contractor
Other AFTER THE FACT PERMIT WILL BE NEEDED FOR DECKING + STAIRS.
103 N. ORANGE ST LOCATION
J. YATES INSPECTOR
08/20/2024 DATE
7441370101 50
DETACH and BRING THIS PORTION OF CARD WITH YOU TO THE BUILDING & INSPECTIONS OFFICE
Location 103 N. ORANGE ST (744137010150)
Date 08/20/2024
Comments NO PERMIT
J. YATES
INSPECTOR
(PHONE) 410-2860
DEV 12/07

SPECIAL MAGISTRATE
IN AND FOR THE CITY OF NEW SMYRNA BEACH

CITY OF NEW SMYRNA BEACH, FLORIDA, a municipal corporation,
Petitioner,

CASE NO.: **CCSM-0638-2024**

VS

PEGGE W GARRIQUES TR
PEGGE W GARRIQEUS REV TRUST,
Respondents/Owners.

ORDER CONTINUING HEARING

This case was heard on **November 13, 2024**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ____did ___V did not attend the hearing.

The Code Compliance Special Magistrate hereby continues the hearing on the above captioned case until **a future date** at the City Chambers, 214 Sams Ave, New Smyrna Beach, FL 32168. Notice of Hearing will be sent.

Address: 105 N ORANGE ST, NEW SMYRNA BEACH 32168
Parcel: 744137010150
Legal description: N 75 FT OF LOT 15 BLK 1 V LOWDS NEW SMYRNA MB 1 PG 144 PER OR 4702 PG 3884 PER OR 5838 PG 3230 PER OR 7043 PG 4020

NOTARY PUBLIC STATE OF FLORIDA
TERESA MERCK
MY COMMISSION # HH 604610
EXPIRES: October 20, 2028

DONE AND ORDERED this **13th** day of **November 2024**.

Catherine Reischmann
Special Magistrate

ATTEST:
Teresa Merck
Code Compliance Clerk

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 4604 Van Kleeck Dr., New Smyrna Beach, FL 32168 by: 9214-8901-9403-8388-2893-41

(_V_) Certified Mail, Return Receipt Requested, Receipt #:
(_V_) Post
(___) Hand Delivery

Signature: Teresa Merck
Title: Code Compliance
Date: November 14, 2024

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

GARRIQUES PEGGE W TR
PEGGE W GARRIQUES
REV TRUST
4604 VAN KLEECK DR
NEW SMYRNA BEACH, FL
32169

CASE NO. CE-0638-2024
103 N ORANGE ST
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **March 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

GARRIQUES PEGGE W TR
PEGGE W GARRIQUES
REV TRUST
4604 VAN KLEECK DR
NEW SMYRNA BEACH, FL
32169

CASE NO. CE-0638-2024
103 N ORANGE ST
NEW SMYRNA BEACH, FL
32168

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested — Receipt Number:9214 8901 9403 8303 8776 60

(✓) Post

( ) Hand Delivery

Teresa Merck

Teresa Merck
Administrative Specialist

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com
3/6/2025

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0638-2024**
Case Type: **Code Enforcement**
Date Case Established: **08/20/2024**
Compliance Deadline: **10/25/2024**

Owner: GARRIQUES PEGGE W TR PEGGE W GARRIQUES REV TRUST

Mailing Address

GARRIQUES PEGGE W TR PEGGE W GARRIQUES REV TRUST
4604 VAN KLEECK DR
NEW SMYRNA BEACH, FL 32169

Notice of Violation for the following location:

Address

103 N ORANGE ST
NEW SMYRNA BEACH, FL 32168

Parcel

744137010150

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.
Corrective Action: Obtain a building permit for decking
Compliance Date: 10/25/2024

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0638-2024**
Case Type: **Code Enforcement**
Date Case Established: **08/20/2024**
Compliance Deadline: **10/25/2024**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number: 9489 0090 0027 6512 8131 89
(✓) Post
( ) Hand Delivery

Sincerely,

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com

10/1/24

Network:Mar 6, 2025 at 4:03:18 PM EST
N 29° 1' 28.293", W 80° 55' 31.914"
109 N Orange St
New Smyrna Beach FL 32168
United States

103

[redacted]

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

GARRIQUES PEGGE W TR
PEGGE W GARRIQUES
REV TRUST
4604 VAN KLEECK DR
NEW SMYRNA BEACH, FL
32169

CASE NO. CE-0638-2024
103 N ORANGE ST
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

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If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

[redacted]

Network:Mar 6, 2025 at 4:03:24 PM EST
N 29° 1' 28.293", W 80° 55' 31.914"
109 N Orange St
New Smyrna Beach FL 32168
United States

103

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

GARRIQUES PEGGIE W TR
PEGGIE W GARRIQUES
REV TRUST
4604 VAN KLEECK DR
NEW SMYRNA BEACH, FL
32169

CASE NO. CE-0610-2024
103 N ORANGE ST
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **March 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeat violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-3010.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

GARRIQUES & ASSOCIATES

We've Stepped out of the Office

We Will Return

TOMORROW

We apologize for any inconvenience

GARRIQUES
& ASSOCIATES
WWW.GA-STAFF.COM


Network:Aug 20, 2024 at 10:41:56 AM EDT
Local:Aug 20, 2024 at 10:41:56 AM EDT
N 29° 1' 28.787", W 80° 55' 31.116"
101 N Orange St
New Smyrna Beach FL 32168
United States
New Smyrna Beach
Maps


Network:Aug 20, 2024 at 10:41:54 AM EDT
Local:Aug 20, 2024 at 10:41:54 AM EDT
N 29° 1' 28.787", W 80° 55' 31.116"
101 N Orange St
New Smyrna Beach FL 32168
United States
New Smyrna Beach
Maps
TOWING ZONE
UNIVERSAL
TOWING
386-255-0203

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0042-2025- 405 BOUCHELLE DR.; OWNER: BOUCHELLE 405 DEVELOPMENT LLC; OFFICER: HERMAN TRAUTWEIN

March 26, 2025

Background:

Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement.

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025. Certified mail sent January 24, 2025 and returned.

Findings:
At the February 26, 2025, Special Magistrate hearing, the owner, Bouchelle 405 Development LLC was found in violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement.
Compliance date: 3/14/2025 by 1 p.m.
Method of Service: Property posted on March 4, 2025; Certified mail signed for on March 5, 2025.

Fiscal Analysis:
None.

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0042-2025 405 Bouchelle Dr.pdf

CODE CASE DETAILED REPORT CE-0042-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code violation(s)
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741700001300 Main
Address: 405 Bouchelle Dr Main
New Smyrna Beach, FL 32169
Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Owner
Bouchelle 405 Development Llc
285 W Dundee Rd
Palatine, IL 60067

Manager
Bouchelle 405 Development Llc
285 W Dundee Rd
Palatine, IL 60067

Manager
Bouchelle 401 Development Llc
Joseph Dimucci
51 Dunlawton Ave
Port Orange, FL 32128

Owner
Bouchelle 401 Development Llc
Joseph Dimucci
51 Dunlawton Ave
Port Orange, FL 32128

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 12:29 pm

Violation Code: Sec. 42-13.
Violations; code enforcement; hazard abatement.
Code Description:

Violation Status: In Violation

Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Resolved Date:

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred

To: Trautwein, Herman

Reply | Reply all | Forward

Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

I've completed and sent out to all property managers all the inspection and reinspection dates for their properties. I informed them that they are being sent to code. Some are trying to get them done but they had since June of 2024. Steve does not want me to waste anymore time and neither do I . I have given notice on several occasions via phone, face to face, inspection reports and emails.

They are:

- **401**
- **404**
- **405**
- **430**
- **444**
- **445**
- **446**
- **448**
- **449**
- **454**
- **462**
- **464**
- **466**

I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 6566721 **Parcel ID: 741700001300**
BOUCHELLE 405 DEVELOPMENT LLC **405 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	6566721
Parcel ID:	741700001300
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	00 - 00 - 1300
Owner(s):	BOUCHELLE 405 DEVELOPMENT LLC - FS - Fee Simple - 100%
Mailing Address On File:	285 W DUNDEE RD PALATINE IL 60067
Physical Address:	405 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0300 - MFR >10 UNITS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	7008
Subdivision Name:	
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$1,596,566	$1,397,400	$0	$1,596,566	1.5000	$2,394.85
0012	DISCRETIONARY	$1,596,566	$1,397,400	$0	$1,596,566	0.7480	$1,194.23
0011	REQ LOCAL EFFORT	$1,596,566	$1,397,400	$0	$1,596,566	3.0370	$4,848.77
0050	GENERAL FUND	$1,596,566	$1,397,400	$199,166	$1,397,400	3.2007	$4,472.66
0053	LAW ENFORCEMENT FUND	$1,596,566	$1,397,400	$199,166	$1,397,400	1.5994	$2,235.00
0055	LIBRARY	$1,596,566	$1,397,400	$199,166	$1,397,400	0.3891	$543.73
0520	MOSQUITO CONTROL	$1,596,566	$1,397,400	$199,166	$1,397,400	0.1647	$230.15
0530	PONCE INLET PORT AUTHORITY	$1,596,566	$1,397,400	$199,166	$1,397,400	0.0692	$96.70
0058	VOLUSIA ECHO	$1,596,566	$1,397,400	$199,166	$1,397,400	0.2000	$279.48
0057	VOLUSIA FOREVER	$1,596,566	$1,397,400	$199,166	$1,397,400	0.2000	$279.48
0065	FLORIDA INLAND NAVIGATION DISTRICT	$1,596,566	$1,397,400	$199,166	$1,397,400	0.0288	$40.25
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$1,596,566	$1,397,400	$199,166	$1,397,400	0.7506	$1,048.89
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$1,596,566	$1,397,400	$199,166	$1,397,400	0.1793	$250.55
0271	NEW SMYRNA BCH I&S 2005	$1,596,566	$1,397,400	$199,166	$1,397,400	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$1,596,566	$1,397,400	$199,166	$1,397,400	0.0895	$125.07
0270	NEW SMYRNA BEACH	$1,596,566	$1,397,400	$199,166	$1,397,400	4.6370	$6,479.74
						16.7933	$24,519.55

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	12	$104.00	$1,248.00
			$1,248.00

Estimated Ad Valorem Tax:	$24,519.55
Estimated Non-Ad Valorem Tax:	$1,248.00
Estimated Taxes:	**$25,767.55**
Estimated Tax Amount without SOH:	$28,059.61

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$180,000	$1,450,699	$1,630,699	$1,270,364	$0	$1,270,364	$0
2023	$144,000	$1,054,728	$1,198,728	$1,154,876	$0	$1,154,876	$0
2022	$144,000	$1,033,360	$1,177,360	$1,049,887	$0	$1,049,887	$0
2021	$132,000	$822,443	$954,443	$954,443	$0	$954,443	$0
2020	$132,000	$773,985	$905,985	$905,985	$0	$905,985	$0
2019	$120,000	$748,022	$868,022	$868,022	$0	$868,022	$0
2018	$108,000	$755,817	$863,817	$863,817	$0	$863,817	$0
2017	$96,000	$737,289	$833,289	$833,289	$0	$833,289	$0
2016	$96,000	$707,462	$803,462	$803,462	$0	$803,462	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

BLDG 130 BOUCHELLE ISLAND PER OR 5736 PG 3109

Detail by Entity Name

Florida Limited Liability Company
BOUCHELLE 405 DEVELOPMENT LLC

Filing Information

Document Number	L04000093617
FEI/EIN Number	20-2141000
Date Filed	12/28/2004
State	FL
Status	ACTIVE

Principal Address

51 Dunlawton Ave.
Port Orange, FL 32127

Changed: 03/12/2022

Mailing Address

285 WEST DUNDEE ROAD
PALATINE, IL 60074

Registered Agent Name & Address

DiMucci, Joseph A
51 DUNLAWTON AVE.
PORT ORANGE, FL 32128

Name Changed: 03/12/2022

Address Changed: 02/19/2011

Authorized Person(s) Detail

Name & Address

Title MGRM

ANTHONY P. DIMUCCI DYNASTY TRUST
285 WEST DUNDEE ROAD
PALATINE, IL 60074

Title MGR

JOSEPH DIMUCCI REVOCABLE TRUST
285 WEST DUNDEE ROAD
PALATINE, IL 60074

Annual Reports

Report Year	Filed Date
2022	03/12/2022
2023	02/24/2023
2024	01/30/2024

Document Images

01/30/2024 -- ANNUAL REPORT	View image in PDF format
02/24/2023 -- ANNUAL REPORT	View image in PDF format
03/12/2022 -- ANNUAL REPORT	View image in PDF format
03/09/2021 -- ANNUAL REPORT	View image in PDF format
01/17/2020 -- ANNUAL REPORT	View image in PDF format
01/29/2019 -- ANNUAL REPORT	View image in PDF format
01/15/2018 -- ANNUAL REPORT	View image in PDF format
01/10/2017 -- ANNUAL REPORT	View image in PDF format
03/28/2016 -- ANNUAL REPORT	View image in PDF format
01/06/2015 -- ANNUAL REPORT	View image in PDF format
01/16/2014 -- ANNUAL REPORT	View image in PDF format
02/15/2013 -- ANNUAL REPORT	View image in PDF format
02/14/2012 -- ANNUAL REPORT	View image in PDF format
02/19/2011 -- ANNUAL REPORT	View image in PDF format
02/17/2010 -- ANNUAL REPORT	View image in PDF format
04/17/2009 -- ANNUAL REPORT	View image in PDF format
03/03/2008 -- ANNUAL REPORT	View image in PDF format
02/05/2007 -- ANNUAL REPORT	View image in PDF format
02/06/2006 -- ANNUAL REPORT	View image in PDF format
03/24/2005 -- ANNUAL REPORT	View image in PDF format
12/28/2004 -- Florida Limited Liabilites	View image in PDF format

Florida Department of State, Division of Corporations

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0042-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/21/2025**

Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE 405 DEVELOPMENT LLC

Mailing Address

BOUCHELLE 405 DEVELOPMENT LLC
285 W DUNDEE RD
PALATINE, IL 60067

Notice of Violation for the following location:

Address

405 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

Parcel

741700001300

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0042-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8889 17
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/2025

C.C. to additional address: 9214 8901 9403 8397 8895 49
BOUCHELLE 405 DEVELOPMENT LLC
Joseph DiMucci- Registered Agent
51 Dunlawton Ave.
Port Orange, FL 32128

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE 405 DEVELOPMENT LLC
285 W DUNDEE RD
PALATINE, IL 60067

CASE NO. CE-0042-2025
405 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE 405 DEVELOPMENT LLC
285 W DUNDEE RD
PALATINE, IL 60067

CASE NO. CE-0042-2025
405 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8889 17

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

C.C. to additional address: 9214 8901 9403 8397 8895 49
BOUCHELLE 405 DEVELOPMENT LLC
Joseph DiMucci- Registered Agent
51 Dunlawton Ave., Port Orange, FL 32128

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	405 Bouchelle Drive	**Inspection Date:**	5/24/2024, 6/24/2024, 7/12/2024, 7/23/2024, 11/14/2024, 1/15/2025
Address:	405 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	201704766
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741700001300		

Insp. Result	Location	Code Set	Code
N/A	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.1.8 - Fire Protection System Operable and Maintained

Inspector Comments:
HAZARD: FACP needs serviced
CORRECTION: have FCAP serviced by a licensed contractor

Reinspection #4 Inspector Comments:
All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.

✔ ***Corrected on 11/14/2024***

Violation	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations

Inspector Comments:
HAZARD: elevator not working
CORRECTION: have elevator serviced by a licensed contractor

Reinspection #1 Inspector Comments:
HAZARD: elevator not working
CORRECTION: have elevator serviced by a licensed contractor
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #4 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #5 Inspector Comments:
HAZARD: elevator not working
CORRECTION: have elevator serviced by a licensed contractor All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Violation	Floor 1 2nd floor	FL NFPA 01 2018 Chapter 14 Means of Egress	14.12.1.2 - Continuous Illumination of the Means of Egress

Inspector Comments:
[MISSING] HAZARD: One of more emergency lighting units in the areas indicated are damaged or missing.

ACTION REQUIRED: Repair or replace defective or missing emergency lighting units.

Reinspection #1 Inspector Comments:
Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

Reinspection #4 Inspector Comments: [FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.
Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

Reinspection #5 Inspector Comments: [FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

Exits signs on 2nd floor.

Inspector Comments:
Inspector Comments - Reinspection #3: Met with Jim Cederberg to dicuss violations.
Inspector Comments - Reinspection #5: Initial inspection date: 05/24/24
First reinspection date: 06/24/24
Second reinspection date: 07/12/24
Third reinspection date: 07/23/24
Fourth reinspection date: 11/14/24
Fifth reinspection date: 01/15/25

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a))*.

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:


Fred Godawa
6/24/2024

Inspector:


Fred Godawa
11/14/2024

Inspector:


Fred Godawa
7/12/2024

Inspector:


Fred Godawa

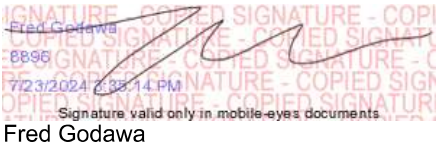
5/24/2024

Inspector:



Fred Godawa
1/15/2025

Inspector:



Fred Godawa
7/23/2024

Ref: 8896

Unabated Fire Code Violations from Previous Inspections

In addition to the violations cited during this inspection, the below violations remain unabated from previous inspection activities at this Occupancy. Your prompt attention in addressing the below violations is anticipated.

Violations Cited on 1/15/2025; Inspection Type(s): Enforcement Inspection (Ref: 11043)

#	Location	Code Set	Code
	Floor 1 FACP	FL NFPA 01 2021	13.7.1.4.2* - Excerpt: [To ensure operational integrity, the fire alarm...]

Inspector Comments:

To ensure operational integrity, the fire alarm system shall have an approved maintenance and testing program complying with the applicable requirements of *NFPA 70* and *NFPA 72*. [***101***:9.6.1.5]


405
ELECTRICAL MACHINERY
AUTHORIZED
PERSONNEL ONLY
January 25, 2025 at 8:55:18 AM EST



CERTIFIED MAIL

ORLANDO FL 328
PM 3 L

quadient
FIRST-CLASS MAIL
IMI
$008.44 0
01/24/2025 ZIP 32168
043M31259290

US POSTAGE

USPS CERTIFIED MAIL

9214 8901 9403 8397 8895 49

Code Department
City of New Smyrna Beach
210 Sams Ave Fl 1
New Smryna Beach FL 32168

BOUCHELLE 405 DEVELOPMENT LLC
JOSEPH DIMUCCI- REGISTERED AGENT
51 DUNLAWTON AVE
PORT ORANGE FL 32127-4611

32168>7640
32127-4611

339 N7E 1 124C0201/31/25
FORWARD TIME EXP RTN TO SEND
DIMUCCI COMPANIES
285 W DUNDEE RD
PALATINE IL 60074-2699

RETURN TO SENDER

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

City of New Smyrna Beach, Florida, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0042-2025

VS.

Bouchelle 405 Development LLC,
Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was heard on **February 26, 2025**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ____did __X__did not attend the hearing. The Special Magistrate, having heard testimony, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The property which is the subject of this Code Compliance action is located at

   Address: 405 BOUCHELLE DR, NEW SMYRNA BEACH 32169
   Parcel: 741700001300
   Legal description: BLDG 130 BOUCHELLE ISLAND PER OR 5736 PG 3109

2. The property was first inspected by a Fire Inspector on **January 15, 2025**. At the time of inspection, the Fire Inspector found the property to be in violation of the City of New Smyrna Beach Code of Ordinances. On **January 16, 2025**, Code Compliance received notice from NSB Fire to issue a Notice of Violation.

3. The Respondent(s) was/were served a Notice of Violation on **January 25, 2025,** identifying the specific violation(s). The violation(s) was/were to be corrected by **February 11, 2025.** The Code Compliance Officer reinspected the property on **February 25, 2025,** and determined that the violation(s) was/were not corrected.

4. Based on the evidence presented at the hearing, it is determined that the following violation(s) exist on the property:

Sec. 42-13. – Violations; code enforcement; hazard abatement.

IT IS THEREUPON ORDERED that:

A. Respondent(s) shall bring the property into compliance with the code provisions cited above by 1 p.m. **March 14, 2025,** and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**. If the Special Magistrate finds that the violation(s) was/were not corrected by the date set forth above, a fine of **$250.00 per day for each section of code that remains in violation** shall be imposed, not to exceed the maximum of $25,000.

B. **NEXT HEARING DATE:** This case shall be reviewed by the Special Magistrate at a public hearing on **March 26, 2025**, at **2:00 p.m.**, in the City Chambers, 214 Sams Ave., New Smyrna Beach, FL. The Special Magistrate will consider setting a fine and lien on the above case at this Public Hearing.

This Order may be appealed to the Circuit Court within 30 days of its execution.

NOTARY PUBLIC STATE OF FLORIDA
TERESA MERCK
MY COMMISSION # HH 604610
EXPIRES: October 20, 2028

DONE AND ORDERED on **February 26, 2025**.

Jessica Gow
Special Magistrate

ATTEST:

Teresa Merck
Code Compliance Clerk

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 285 W DUNDEE RD., PALATINE IL 60067 by: 9214 8901 9403 8302 0009 15

(_√_) Certified Mail, Return Receipt Requested, Receipt # 9214 8901 9403 8302 0009 15

(_√_) Post

(___) Hand Delivery

By: Teresa Merck, Code Compliance Clerk
Date: February 27, 2025


405
March 4, 2025 at 11:35:12 AM EST

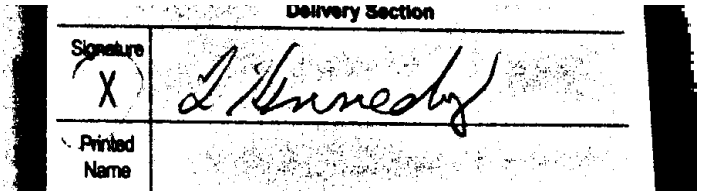
UNITED STATES POSTAL SERVICE

Date Produced: 03/06/2025

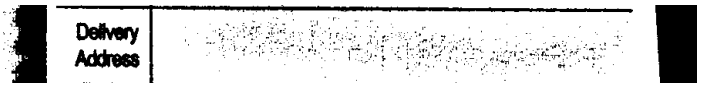
ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8302 0009 15. Our records indicate that this item was delivered on 03/05/2025 at 10:53 a.m. in PALATINE, IL 60067. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

BOUCHELLE 405 DEVELOPMENT LLC
285 W DUNDEE RD
PALATINE IL 60074-2699

Customer Reference Number: C5693353.34531665

2

UNITED STATES POSTAL SERVICE®

Return address:

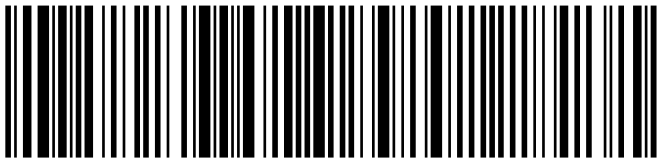
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

BOUCHELLE 405 DEVELOPMENT LLC
285 W DUNDEE RD
PALATINE IL 60074-2699

MAILING DATE: 02/27/2025
DELIVERY DATE: 03/05/2025

USPS CERTIFIED MAIL



9214 8901 9403 8302 0009 15

USPS Tracking Label Number: 9214 8901 9403 8302 0009 15

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	02/27/2025 11:37
FORWARDED	PALATINE,IL 60074	03/04/2025 10:08
DELIVERED INDIVIDUAL PICKED UP AT USPS	PALATINE,IL 60067	03/05/2025 10:53

CASE #: SM-0042-2025 405 BOUCHELLE DR

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0047-2025- 448 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC.; OFFICER: HERMAN TRAUTWEIN

March 26, 2025

Background:

Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement.

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025. Certified mail sent January 24, 2025 and was refused/returned.

Findings:
At the Special Magistrate hearing on February 26, 2025, Bouchelle Island I Condominium Association, Inc. was found in Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement.
Compliance date: 3/14/2025 by 1 p.m.
Method of Service: Property posted on March 4, 2025. Certified mail signed for on March 3, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0047-2025 448 Bouchelle Dr.pdf

CODE CASE DETAILED REPORT CE-0047-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code violation(s)
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741715390001 Main
Address: 448 Bouchelle Dr Main
New Smyrna Beach, FL 32169
Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Manager

Bouchelle Island I Condominium
Association Inc
1100 Ocean Shore Blvd
Ormond Beach, FL 32176
Business: 3862958630
Mobile: 3865628575

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 1:31 pm

Violation Code: Sec. 42-13.
Violations; code enforcement; hazard abatement.
Code Description:
Violation Status: In Violation
Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Resolved Date:

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred
To: Trautwein, Herman

Reply | Reply all | Forward
Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

I've completed and sent out to all property managers all the inspection and reinspection dates for their properties. I informed them that they are being sent to code. Some are trying to get them done but they had since June of 2024. Steve does not want me to waste anymore time and neither do I . I have given notice on several occasions via phone, face to face, inspection reports and emails.

They are:

- **401**
- **404**
- **405**
- **430**
- **444**
- **445**
- **446**
- **448**
- **449**
- **454**
- **462**
- **464**
- **466**

I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 8007837 **Parcel ID: 741715390001**
BOUCHELLE ISLAND I CONDOMINIUM **448 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	8007837
Parcel ID:	741715390001
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	15 - 39 - 0001
Owner(s):	BOUCHELLE ISLAND I CONDOMINIUM - FS - Fee Simple - 100% ASSOCIATION INC - FS - Fee Simple - 100%
Mailing Address On File:	INTRACOASTAL BOOKKEEPING & MANAGEMENT 1100 OCEAN SHORE BLVD STE 7 ORMOND BEACH FL 32176
Physical Address:	448 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0900 - RES COMMON ELEMENTS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	0387
Subdivision Name:	BOUCHELLE ISLAND CONDO I BLDG 139
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

16-17-34 COMMON AREA BLDG 139 BOUCHELLE ISLAND CONDO I PER OR 3095 PG 0161

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0047-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/21/2025**

Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management

Mailing Address

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

Notice of Violation for the following location:

Address	**Parcel**
448 BOUCHELLE DR NEW SMYRNA BEACH, FL 32169	**741715390001**

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0047-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8611 25
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/25

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

CASE NO. CE-0047-2025
448 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025, at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

CASE NO. CE-0047-2025
448 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

CASE NO. CE-0047-2025
448 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8611 25

(✓) Post

( )Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	448 Bouchelle Drive	**Inspection Date:**	5/16/2024, 6/18/2024, 7/25/2024, 11/13/2024, 1/10/2025, 1/16/2025
Address:	448 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741715390001		

Insp. Result	Location	Code Set	Code
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.1.2 - Fire Protection System Testing and Maintenance: Property Owner Responsibility

Inspector Comments:
[SPRINKLER ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing report for the building fire sprinkler system Documentation of the remediation of ALL deficiencies noted on the inspection report shall also be submitted.

Reinspection #1 Inspector Comments:
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #2 Inspector Comments: Per inspection tag - corroded/painted head
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #3 Inspector Comments: [ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

SYSYEM HAS A RED TAG. SEE PHOTOS FOR DETAILS. SYSTEM NEEDS TO BE SERVICED.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #4 Inspector Comments:
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Insp. Result	Location	Code Set	Code
Violation	Floor 1	FL NFPA 01 2018 Chapter 14 Means of Egress	14.12.1.2 - Continuous Illumination of the Means of Egress

Inspector Comments:
[FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.

✓ ***Corrected on 6/18/2024***

Insp. Result	Location	Code Set	Code
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.6.4.3.2.1 - Extinguisher Annually Tested

Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Reinspection #1 Inspector Comments:
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #3 Inspector Comments: Same code

✔ ***Corrected on 7/25/2024***

Reinspection #4 Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Reinspection #5 Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Last serviced in 2022.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #6 Inspector Comments: Last serviced 2022

Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.7.1.4.2 - Fire Alarm System Shall Be Tested and Maintained

Inspector Comments:
HAZARD: The required annual inspection of the building fire alarm system has not been performed.

ACTION REQUIRED: Contact your fire alarm system service provider and have the required annual NFPA 72 service and testing performed.

✔ ***Corrected on 7/25/2024***

Violation	Floor 1	FL NFPA 01 2018 Chapter 4 General Requirements	4.1.3.2.2.5 - Building Signage & Lighting (see photo 1.1, 1.2, 1.3)

Inspector Comments:
Hazard: FDC sign cannot be seen from road.
Correction: remove vegetation in front of FDC sign.

✔ ***Corrected on 6/18/2024***

Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.6.4.3.2.1 - Extinguisher Annually Tested

Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Reinspection #1 Inspector Comments:
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #3 Inspector Comments: Same code

✔ ***Corrected on 7/25/2024***

Reinspection #4 Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Reinspection #5 Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Last serviced in 2022.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #6 Inspector Comments: Last serviced 2022

Violation	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations

Inspector Comments:

HAZARD: fire service elevator key not located in Knox box
CORRECTION: locate key and notify fire marshal office so key can be placed in Knox box.

Reinspection #2 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #3 Inspector Comments: No elevator key in Knox box. Please contact elevator vendor to get a key. Once key is obtained, call fire marshals office so key can be placed in Knox box.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #4 Inspector Comments:
HAZARD: fire service elevator key not located in Knox box
CORRECTION: locate key and notify fire marshal office so key can be placed in Knox box. All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Same keys works both the outside and inside of the elevator.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #5 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

✔ ***Corrected on 1/16/2025***

N/A	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required
Violation	Floor 1 3rd floor westside of building	FL NFPA 01 2018 Chapter 14 Means of Egress	14.12.1.2 - Continuous Illumination of the Means of Egress

Inspector Comments: [FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.

✔ ***Corrected on 6/18/2024***

Inspector Comments:
Inspector Comments - Reinspection #2: Referred to code information for citation and appearance before special majesty.
Inspector Comments - Reinspection #5: Initial inspection date: 05/16/24
First reinspection date: 06/18/24
Second reinspection date: 07/25/24
Third reinspection date: 11/13/24
Fourth reinspection date: 1/10/25
Fifth reinspection date: 1/16/25

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

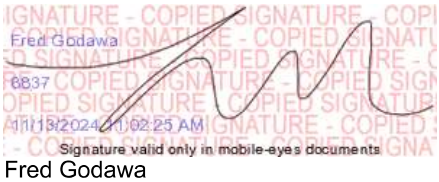
A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a)*).

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:



Fred Godawa
11/13/2024

Inspector:



Fred Godawa
5/16/2024

Inspector:



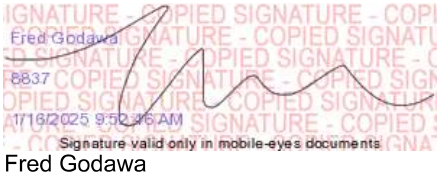
Fred Godawa
6/18/2024

Inspector:



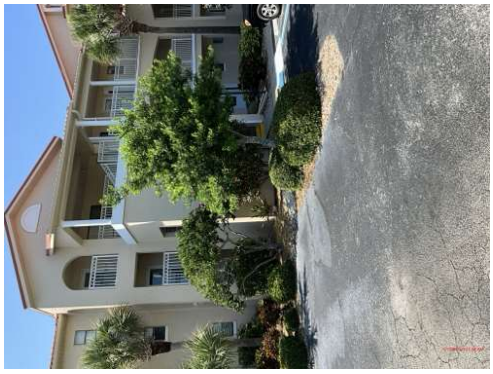
Fred Godawa
1/10/2025

Inspector:

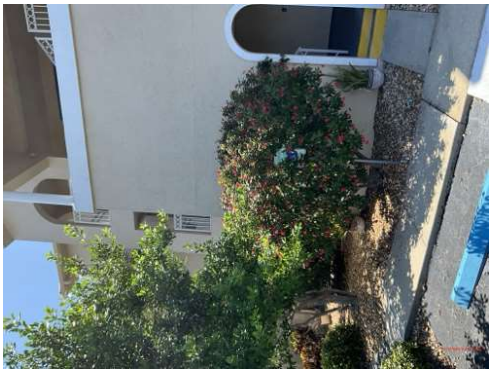


Fred Godawa
1/16/2025

1.1 -
4.1.3.2.2.5.



1.2 -
4.1.3.2.2.5.



1.3 -
4.1.3.2.2.5.



Ref: 8837


448
F.A.C.P.
INSIDE
January 25, 2025 at 9:12:50 AM EST



CERTIFIED MAIL

Code Department
City of New Smyrna Beach
210 Sams Ave Fl 1
New Smryna Beach FL 32168

USPS CERTIFIED MAIL

9214 8901 9403 8397 8611 25

ORLANDO FL 328
24 JAN 2025 PM 2 L

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FIRST-CLASS MAIL
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01/24/2025 ZIP 32168
043M31259290

US POSTAGE

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC
INTERCOASTAL BOOKKEEPING & MANAGEMENT
STE 7
1100 OCEAN SHORE BLVD
ORMOND BEACH FL 32176-3739

32176-37307
32168>7040

NIXIE 339 FE 1 0002/02/25
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 32168704010 *0274-01684-24-45

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

City of New Smyrna Beach, Florida, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0047-2025

VS.

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC.,
Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was heard on **February 26, 2025**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative __did ____did not attend the hearing. The Special Magistrate, having heard testimony, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The property which is the subject of this Code Compliance action is located at

   Address: 448 BOUCHELLE DR, NEW SMYRNA BEACH 32169
   Parcel: 74171539000
   Legal description: 16-17-34 COMMON AREA BLDG 139 BOUCHELLE ISLAND CONDO I PER OR 3095 PG 0161

2. The property was first inspected by a Fire Inspector on **January 16, 2025**. At the time of inspection, the Fire Inspector found the property to be in violation of the City of New Smyrna Beach Code of Ordinances. On **January 16, 2025**, Code Compliance received notice from NSB Fire to issue a Notice of Violation.

3. The Respondent(s) was/were served a Notice of Violation on **January 25, 2025,** identifying the specific violation(s). The violation(s) was/were to be corrected by **February 11, 2025.** The Code Compliance Officer reinspected the property on **February 25, 2025,** and determined that the violation(s) was/were not corrected.

4. Based on the evidence presented at the hearing, it is determined that the following violation(s) exist on the property:

Sec. 42-13. – Violations; code enforcement; hazard abatement.

IT IS THEREUPON ORDERED that:

A. Respondent(s) shall bring the property into compliance with the code provisions cited above by 1 p.m. **March 14, 2025,** and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**. If the Special Magistrate finds that the violation(s) was/were not corrected by the date set forth above, a fine of **$250.00 per day for each section of code that remains in violation** may be imposed, not to exceed the maximum of $60,000.

B. **NEXT HEARING DATE:** This case shall be reviewed by the Special Magistrate at a public hearing on **March 26, 2025**, at **2:00 p.m.**, in the City Chambers, 214 Sams Ave., New Smyrna Beach, FL. The Special Magistrate will consider setting a fine and lien on the above case at this Public Hearing.

This Order may be appealed to the Circuit Court within 30 days of its execution.

NOTARY PUBLIC STATE OF FLORIDA
TERESA MERCK
MY COMMISSION # HH 604610
EXPIRES: October 20, 2028

DONE AND ORDERED on **February 26, 2025.**

Jessica Gow
Special Magistrate

ATTEST:

Teresa Merck
Code Compliance Clerk

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at INTRACOASTAL BOOKKEEPING & MANAGEMENT; 1100 OCEAN SHORE BLVD STE 7; ORMOND BEACH FL 32176 by:

(_√_) Certified Mail, Return Receipt Requested, Receipt #9214 8901 9403 8302 0021 48

(_√_) Post

(___) Hand Delivery

By: Teresa Merck, Code Compliance Clerk
Date: February 27, 2025


448
F.A.C.P.
INSIDE
March 4, 2025 at 11:43:59 AM EST

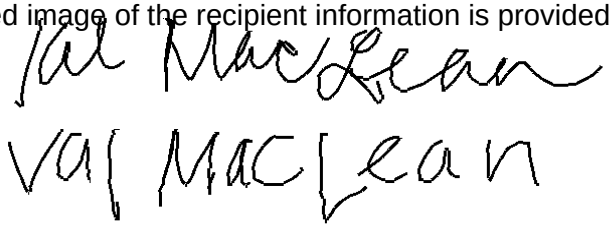
UNITED STATES POSTAL SERVICE

Date Produced: 03/04/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8302 0021 48. Our records indicate that this item was delivered on 03/03/2025 at 10:42 a.m. in DAYTONA BEACH, FL 32118. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient : 2422 S ATLANTIC AVE,
DAYTONA BEACH, FL 32118

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SH FL 32118-5451

Customer Reference Number: C5696463.34547025

2

UNITED STATES POSTAL SERVICE®

Return address:

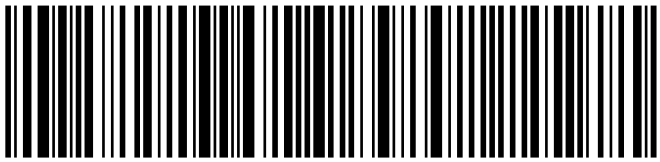
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION IN
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SH FL 32118-5451

MAILING DATE: 02/28/2025
DELIVERY DATE: 03/03/2025

USPS CERTIFIED MAIL



9214 8901 9403 8302 0021 48

USPS Tracking Label Number: 9214 8901 9403 8302 0021 48

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	02/28/2025 08:59
ORIGIN ACCEPTANCE	NEW SMYRNA BEACH,FL 32168	02/28/2025 22:08
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	02/28/2025 23:23
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	03/01/2025 09:22
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	03/01/2025 19:49
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	03/03/2025 01:01
DELIVERED FRONT DESK/RECEPTION/MAIL ROOM	DAYTONA BEACH,FL 32118	03/03/2025 10:42

CASE #: SM-0046-2025 446 BOUCHELLE DR

UNITED STATES POSTAL SERVICE®

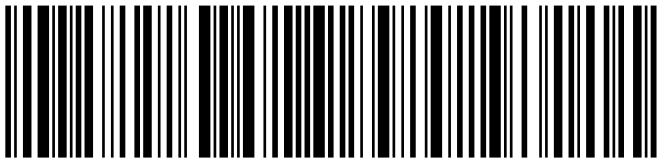
Return address:

CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

BOUCHELLE ISLAND I CONDOMINIMUM ASSOCIATION I
C/O INTRACOASTAL BOOKKEPING & MANAGEMENT
1100 OCEAN SHORE BLVD
SUITE 7
ORMOND BEACH, FL 32176

USPS CERTIFIED MAIL



9214 8901 9403 8302 9778 28

USPS Tracking Label Number: 9214 8901 9403 8302 9778 28

USPS Event	Postal Facility	Date/Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	02/28/2025 08:59
ORIGIN ACCEPTANCE	NEW SMYRNA BEACH,FL 32168	02/28/2025 22:08
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	02/28/2025 23:23
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	03/01/2025 09:22
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	03/02/2025 04:01
NO AUTHORIZED RECIPIENT AVAILABLE	ORMOND BEACH,FL 32176	03/03/2025 12:58
REFUSED	ORMOND BEACH,FL 32176	03/05/2025 06:17

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0050-2025- 462 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC.; OFFICER: HERMAN TRAUTWEIN

March 26, 2025

Background:

Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement.

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025. Certified mail sent January 24, 2025 and returned.

Findings:
At the Special Magistrate hearing on February 26, 2025, Bouchelle Island I Condominium Association, Inc. was found in Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement.
Compliance date: 3/14/2025 by 1 p.m.
Method of Service: Property posted on March 4, 2025. Certified mail signed for on March 3, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0050-2025 462 Bouchelle Dr.pdf

CODE CASE DETAILED REPORT CE-0050-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein

Project:
District: New Smyrna Beach
Description: Fire code violation(s)

Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741715050001 Main

Address: 462 Bouchelle Dr Main
New Smyrna Beach, FL 32169

Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Manager

Bouchelle Island I Condominium
Association Inc
1100 Ocean Shore Blvd
Ormond Beach, FL 32176
Business: 3862958630
Mobile: 3865628575

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25.	Herman Trautwein	1/21/2025 1:45 pm

Violation Code: Sec. 42-13.
Violation Status: In Violation
Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Resolved Date:

Code Description: Violations; code enforcement; hazard abatement.

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred

To: Trautwein, Herman

Reply | Reply all | Forward

Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

I've completed and sent out to all property managers all the inspection and reinspection dates for their properties. I informed them that they are being sent to code. Some are trying to get them done but they had since June of 2024. Steve does not want me to waste anymore time and neither do I . I have given notice on several occasions via phone, face to face, inspection reports and emails.

They are:

- **401**
- **404**
- **405**
- **430**
- **444**
- **445**
- **446**
- **448**
- **449**
- **454**
- **462**
- **464**
- **466**

I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 8007830 **Parcel ID: 741715050001**
BOUCHELLE ISLAND I CONDOMINIUM **462 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	8007830
Parcel ID:	741715050001
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	15 - 05 - 0001
Owner(s):	BOUCHELLE ISLAND I CONDOMINIUM - FS - Fee Simple - 100% ASSOCIATION INC - FS - Fee Simple - 100%
Mailing Address On File:	INTRACOASTAL BOOKKEEPING & MANAGEMENT 1100 OCEAN SHORE BLVD STE 7 ORMOND BEACH FL 32176
Physical Address:	462 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0900 - RES COMMON ELEMENTS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	0387
Subdivision Name:	BOUCHELLE ISLAND CONDO I BLDG 105
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

COMMON AREA BLDG 105 BOUCHELLE ISLAND CONDO PER OR 3095 PG 0161

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0050-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management

Mailing Address

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

Notice of Violation for the following location:

Address	Parcel
462 BOUCHELLE DR NEW SMYRNA BEACH, FL 32169	**741715050001**

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0050-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8424 14
(✓) Post
( ) Hand Delivery

Sincerely,
Teresa Merck
Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/25

violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

CASE NO. CE-0050-2025
462 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

CASE NO. CE-0050-2025
462 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - Intercoastal Bookkeeping & Management
1100 OCEAN SHORE BLVD STE 7
ORMOND BEACH, FL 32176

CASE NO. CE-0050-2025
462 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8424 14

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	462 Bouchelle Drive	**Inspection Date:**	1/16/2025
Address:	462 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741715050001		

Insp. Result	Location	Code Set	Code
N/A	Floor 1	FL NFPA 01 2021 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required
Violation	Floor 1	FL NFPA 01 2021 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations (see photo 1.1)
	Inspector Comments: No elevator key in Knox box. Call fire marshal office when key is obtained so it can be placed in the Knox box. All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, *Safety Code for Existing Elevators and Escalators*. [***101***:9.4.3.2]		
Violation	Floor 1	FL NFPA 01 2021 Chapter 13 Fire Protection Systems	13.1.8 - Fire Protection System Operable and Maintained (see photo 2.1)
	Inspector Comments: All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.		
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.6.4.3.2.1 - Extinguisher Annually Tested (see photo 3.1)
	Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months. ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.		

Inspector Comments: Initial inspection date: 05/21/24
First reinspection date: 06/21/24
Second reinspection date: 01/16/24

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

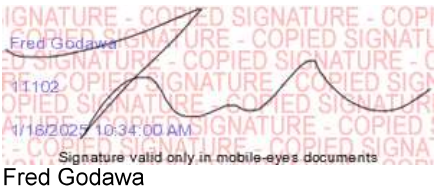
A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a))*.

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:



Fred Godawa
1/16/2025

1.1 - 11.3.1.2.



2.1 -
13.1.8.



3.1 -
13.6.4.3.2.1.



Ref: 11102



January 25, 2025 at 9:23:37 AM EST

CERTIFIED MAIL

ORLANDO FL 328
24 JAN 2025 PM 2 L

USPS CERTIFIED MAIL

Code Department
City of New Smyrna Beach
210 Sams Ave Fl 1
New Smryna Beach FL 32168

9214 8901 9403 8307 8424 44

quadient
FIRST-CLASS MAIL
IMI
$008.44 9
01/24/2025 ZIP 32168
043M31259290

US POSTAGE

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC
INTERCOASTAL BOOKKEEPING & MANAGEMENT
1100 OCEAN SHORE BLVD
SUITE 7
ORMOND BEACH FL 32176-3739

32176-37350
32168>7040

NIXIE 339 FE 1 0002/02/25
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 32168704010 *0274-01175-24-45

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

City of New Smyrna Beach, Florida, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0050-2025

VS.

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC,
Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was heard on **February 26, 2025**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative ___did ____did not attend the hearing. The Special Magistrate, having heard testimony, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The property which is the subject of this Code Compliance action is located at

   Address: 462 BOUCHELLE DR, NEW SMYRNA BEACH 32169
   Parcel: 741715050001
   Legal description: COMMON AREA BLDG 105 BOUCHELLE ISLAND CONDO PER OR 3095 PG 0161

2. The property was first inspected by a Fire Inspector on **January 16, 2025**. At the time of inspection, the Fire Inspector found the property to be in violation of the City of New Smyrna Beach Code of Ordinances. On **January 16, 2025**, Code Compliance received notice from NSB Fire to issue a Notice of Violation.

3. The Respondent(s) was/were served a Notice of Violation on **January 25, 2025,** identifying the specific violation(s). The violation(s) was/were to be corrected by **February 11, 2025.** The Code Compliance Officer reinspected the property on **February 25, 2025,** and determined that the violation(s) was/were not corrected.

4. Based on the evidence presented at the hearing, it is determined that the following violation(s) exist on the property:

Sec. 42-13. – Violations; code enforcement; hazard abatement.

IT IS THEREUPON ORDERED that:

A. Respondent(s) shall bring the property into compliance with the code provisions cited above by 1 p.m. **March 14, 2025,** and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**. If the Special Magistrate finds that the violation(s) was/were not corrected by the date set forth above, a fine of **$250.00 per day for each section of code that remains in violation** may be imposed, not to exceed the maximum of $60,000.

B. **NEXT HEARING DATE:** This case shall be reviewed by the Special Magistrate at a public hearing on **March 26, 2025**, at **2:00 p.m.**, in the City Chambers, 214 Sams Ave., New Smyrna Beach, FL. The Special Magistrate will consider setting a fine and lien on the above case at this Public Hearing.

This Order may be appealed to the Circuit Court within 30 days of its execution.

NOTARY PUBLIC STATE OF FLORIDA
TERESA MERCK
MY COMMISSION # HH 604610
EXPIRES: October 20, 2028

DONE AND ORDERED on **February 26, 2025.**

Jessica Gow
Special Magistrate

ATTEST:

Teresa Merck
Code Compliance Clerk

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at INTRACOASTAL BOOKKEEPING & MANAGEMENT; 1100 OCEAN SHORE BLVD, STE 7, ORMOND BEACH FL 32176 by:

(_V_) Certified Mail, Return Receipt Requested, Receipt #9214 8901 9403 8302 0021 48

(_V_) Post

(___) Hand Delivery

By: Teresa Merck, Code Compliance Clerk
Date: February 27, 2025


462
F.A.C.P.
INSIDE
LETTERS
March 4, 2025 at 11:49:28 AM EST

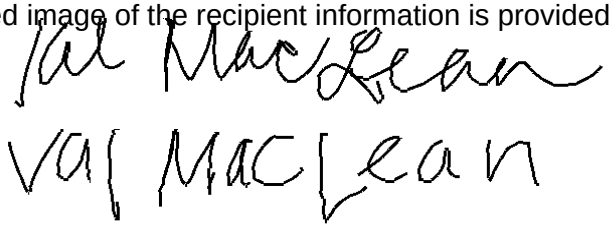
UNITED STATES POSTAL SERVICE

Date Produced: 03/04/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8302 0021 48. Our records indicate that this item was delivered on 03/03/2025 at 10:42 a.m. in DAYTONA BEACH, FL 32118. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient : 2422 S ATLANTIC AVE,
DAYTONA BEACH, FL 32118

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SH FL 32118-5451

Customer Reference Number: C5696463.34547025

2

UNITED STATES POSTAL SERVICE®

Return address:

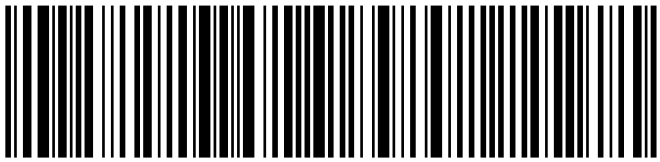
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION IN
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SH FL 32118-5451

MAILING DATE: 02/28/2025
DELIVERY DATE: 03/03/2025

USPS CERTIFIED MAIL



9214 8901 9403 8302 0021 48

USPS Tracking Label Number: 9214 8901 9403 8302 0021 48

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	02/28/2025 08:59
ORIGIN ACCEPTANCE	NEW SMYRNA BEACH,FL 32168	02/28/2025 22:08
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	02/28/2025 23:23
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	03/01/2025 09:22
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	03/01/2025 19:49
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	03/03/2025 01:01
DELIVERED FRONT DESK/RECEPTION/MAIL ROOM	DAYTONA BEACH,FL 32118	03/03/2025 10:42

CASE #: SM-0046-2025 446 BOUCHELLE DR

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0051-2025- 464 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC.; OFFICER: HERMAN TRAUTWEIN

March 26, 2025

Background:

Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement.

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025. Certified mail sent January 24, 2025 and signed for on January 27, 2025.

Findings:
At the Special Magistrate hearing on February 26, 2025, Bouchelle Island I Condominium Association, Inc. was found in Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement.
Compliance date: 3/14/2025 by 1 p.m.
Method of Service: Property posted on March 4, 2025. Certified mail signed for on March 3, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0051-2025 464 Bouchelle Dr.pdf

CODE CASE DETAILED REPORT CE-0051-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code violation(s)
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741715030001 Main
Address: 464 Bouchelle Dr Main
New Smyrna Beach, FL 32169
Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Manager

Bouchelle Island I Condominium
Association Inc
1100 Ocean Shore Blvd
Ormond Beach, FL 32176
Business: 3862958630
Mobile: 3865628575

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 1:53 pm

Violation Code: Sec. 42-13.
Violations; code enforcement; hazard abatement.
Code Description:
Violation Status: In Violation
Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Resolved Date:

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred

To: Trautwein, Herman

Reply | Reply all | Forward

Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

I've completed and sent out to all property managers all the inspection and reinspection dates for their properties. I informed them that they are being sent to code. Some are trying to get them done but they had since June of 2024. Steve does not want me to waste anymore time and neither do I . I have given notice on several occasions via phone, face to face, inspection reports and emails.

They are:

- **401**
- **404**
- **405**
- **430**
- **444**
- **445**
- **446**
- **448**
- **449**
- **454**
- **462**
- **464**
- **466**

I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 8007829 **Parcel ID: 741715030001**
BOUCHELLE ISLAND I CONDOMINIUM **464 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	8007829
Parcel ID:	741715030001
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	15 - 03 - 0001
Owner(s):	BOUCHELLE ISLAND I CONDOMINIUM - FS - Fee Simple - 100% ASSOCIATION - FS - Fee Simple - 100%
Mailing Address On File:	C/O SOUTH ATLANTIC COMMUNITIES 2422 S ATLANTIC AVE DAYTONA BEACH SHORES FL 32118
Physical Address:	464 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0900 - RES COMMON ELEMENTS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	0387
Subdivision Name:	BOUCHELLE ISLAND CONDO I BLDG 103
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

COMMON AREA BLDG 103 BOUCHELLE ISLAND I CONDO PER OR 3095 PG 0161



Detail by Entity Name

Florida Not For Profit Corporation
BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION, INC.

Filing Information

Document Number	N24722
FEI/EIN Number	59-2870387
Date Filed	02/08/1988
State	FL
Status	ACTIVE

Principal Address

817 N. DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Changed: 02/07/2023

Mailing Address

C/O SOUTH ATLANTIC COMMUNITIES
817 N. DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Changed: 02/07/2023

Registered Agent Name & Address

SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Name Changed: 03/29/2022

Address Changed: 01/24/2024

Officer/Director Detail

Name & Address

Title Treasurer

TORRES, EDWARD
C/O SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Title Secretary

Dreger, Michelle
C/O SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Title Director

McLean, Ron
C/O SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Title Director

PESTINE, SHELDON
C/O SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Title President

REIKER, JUDY
C/O SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Title VP

BELLANTONI, ROCCO
C/O SOUTH ATLANTIC COMMUNITIES
817 N DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Annual Reports

Report Year	Filed Date
2022	03/29/2022
2023	02/07/2023
2024	01/24/2024

Document Images

01/24/2024 -- ANNUAL REPORT	View image in PDF format
02/07/2023 -- ANNUAL REPORT	View image in PDF format
03/29/2022 -- ANNUAL REPORT	View image in PDF format
03/31/2021 -- AMENDED ANNUAL REPORT	View image in PDF format
01/25/2021 -- ANNUAL REPORT	View image in PDF format
04/10/2020 -- ANNUAL REPORT	View image in PDF format
03/25/2019 -- ANNUAL REPORT	View image in PDF format

02/22/2018 -- ANNUAL REPORT	View image in PDF format
02/19/2017 -- ANNUAL REPORT	View image in PDF format
04/15/2016 -- ANNUAL REPORT	View image in PDF format
02/16/2015 -- ANNUAL REPORT	View image in PDF format
03/10/2014 -- ANNUAL REPORT	View image in PDF format
03/07/2013 -- ANNUAL REPORT	View image in PDF format
04/02/2012 -- ANNUAL REPORT	View image in PDF format
03/17/2011 -- ANNUAL REPORT	View image in PDF format
08/11/2010 -- Reg. Agent Change	View image in PDF format
04/07/2010 -- ANNUAL REPORT	View image in PDF format
01/26/2009 -- ANNUAL REPORT	View image in PDF format
03/26/2008 -- ANNUAL REPORT	View image in PDF format
05/01/2007 -- ANNUAL REPORT	View image in PDF format
03/24/2006 -- ANNUAL REPORT	View image in PDF format
03/17/2005 -- ANNUAL REPORT	View image in PDF format
06/01/2004 -- ANNUAL REPORT	View image in PDF format
04/16/2003 -- ANNUAL REPORT	View image in PDF format
04/09/2002 -- ANNUAL REPORT	View image in PDF format
04/26/2001 -- ANNUAL REPORT	View image in PDF format
05/11/2000 -- ANNUAL REPORT	View image in PDF format
05/24/1999 -- Reg. Agent Change	View image in PDF format
03/30/1999 -- ANNUAL REPORT	View image in PDF format
03/06/1998 -- ANNUAL REPORT	View image in PDF format
01/31/1997 -- ANNUAL REPORT	View image in PDF format
03/22/1996 -- ANNUAL REPORT	View image in PDF format
03/22/1995 -- ANNUAL REPORT	View image in PDF format

Florida Department of State, Division of Corporations

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0051-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - C/O South Atlantic Communities

Mailing Address

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - C/O South Atlantic Communities
2422 S ATLANTIC AVE
Daytona Beach Shores, FL 32118

Notice of Violation for the following location:

Address	Parcel
464 BOUCHELLE DR NEW SMYRNA BEACH, FL 32169	**741715030001**

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0051-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8380 97
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/2025

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - C/O South Atlantic Communities
2422 S ATLANTIC AVE
Daytona Beach Shores, FL 32118

CASE NO. CE-0051-2025
464 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - C/O South Atlantic Communities
2422 S ATLANTIC AVE
Daytona Beach Shores, FL 32118

CASE NO. CE-0051-2025
464 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8380 97

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	464 Bouchelle Drive	**Inspection Date:**	5/22/2024, 6/24/2024, 7/25/2024, 8/1/2024, 11/13/2024, 1/16/2025
Address:	464 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741715030001		

Insp. Result	Location	Code Set	Code
N/A	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.6.4.3.2.1 - Extinguisher Annually Tested

Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.:

Reinspection #1 Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #2 Inspector Comments:
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #3 Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #4 Inspector Comments:
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

✔ ***Corrected on 11/13/2024***

Violation	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations

Inspector Comments:
HAZARD: no elevator key in Knox box.
CORRECTION: locate elevator key and call fire marsh office to have key placed in Knox box

Reinspection #1 Inspector Comments:
HAZARD: no elevator key in Knox box.
CORRECTION: locate elevator key and call fire marsh office to have key placed in Knox.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #2 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #3 Inspector Comments:
HAZARD: no elevator key in Knox box.
CORRECTION: locate elevator key and call fire marsh office to have key placed in Knox.All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #4 Inspector Comments: HAZARD: no elevator key in Knox box.

CORRECTION: contact elevator vendor and obtain key. Call fire marshals office to place key in Knox box.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #5 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.1.2 - Fire Protection System Testing and Maintenance: Property Owner Responsibility

Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

Reinspection #1 Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #2 Inspector Comments: Per red service tag - corroded or painted heads

Reinspection #3 Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years. Painted heads or corroded heads.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #4 Inspector Comments: [ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

Red tag on system. See photo
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #5 Inspector Comments:

[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Violation	Floor 1	FL NFPA 01 2018 Chapter 14 Means of Egress	14.14.5.2.1 - Exit Signage: Continuous Illumination

Inspector Comments:
[MULTIPLE NOT ILLUMINATED] HAZARD: Numerous exit signs throughout the structure are not illuminated.

ACTION REQUIRED: Repair or replace all faulty exit signs. Exit signs shall be illuminated at all times, and have a means of battery backup. Signs shall remain illuminated when the "test" button is pressed.

Reinspection #1 Inspector Comments:
[MULTIPLE NOT ILLUMINATED] HAZARD: Numerous exit signs throughout the structure are not illuminated.

ACTION REQUIRED: Repair or replace all faulty exit signs. Exit signs shall be illuminated at all times, and have a means of battery backup. Signs shall remain illuminated when the "test" button is pressed.

Exit light second floor- not working in test mode- front of unit 205
Every sign required to be illuminated by 14.14.6.3, 14.14.7, and 14.14.8.1 shall be continuously illuminated as required under the provisions of Section 14.12, unless otherwise provided in 14.14.5.2.2. [101:7.10.5.2.1]

✔ ***Corrected on 7/25/2024***

Violation	Floor 1	FL NFPA 01 2018 Chapter 14 Means of Egress	14.12.1.2 - Continuous Illumination of the Means of Egress

Inspector Comments:
[FAILED TEST] HAZARD: One or more emergency lighting units failed to test in the areas indicated.

ACTION REQUIRED: Repair or replace faulty emergency lighting units.

Reinspection #1 Inspector Comments:
Illumination of means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 14.12.1.2.2. [101:7.8.1.2]

✔ ***Corrected on 6/24/2024***

Inspector Comments:
Inspector Comments - Reinspection #2: Spoke to building captain and placed her contact information in the system. Some repairs have been made or in the process. Other violations noted to captain. Referred to code information for citation and appearance before special majesty.
Inspector Comments - Reinspection #3: Referred to code enforcement for citation and appearance before special majesty.
Inspector Comments - Reinspection #5: Initial inspection date: 05/22/24
First reinspection date: 06/24/24
Second reinspection date: 7/25/24
Third reinspection date: 08/01/24
Fourth reinspection date: 11/13/24
Fifth reinspection date: 01/16/25

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

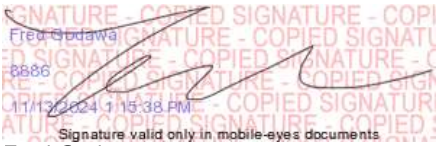
A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a)*).

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:



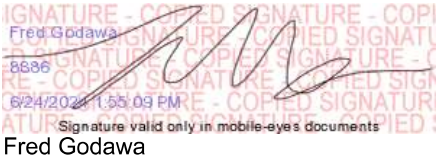
Fred Godawa
11/13/2024

Inspector:



Fred Godawa
1/16/2025

Inspector:



Fred Godawa
6/24/2024

Inspector:



Fred Godawa
5/22/2024

Inspector:



Fred Godawa
8/1/2024

Inspector:



Fred Godawa
7/25/2024

Ref: 8886


464
F.A.C.P.
INSIDE
January 25, 2025 at 9:28:11 AM EST

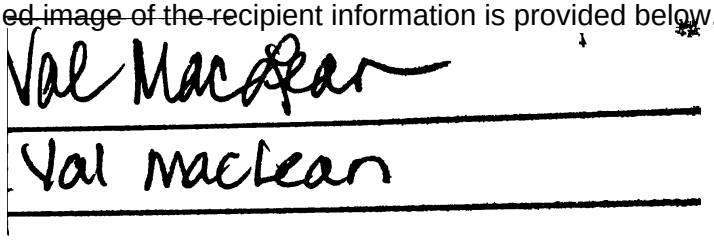
UNITED STATES POSTAL SERVICE

Date Produced: 01/28/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8397 8380 97. Our records indicate that this item was delivered on 01/27/2025 at 10:36 a.m. in DAYTONA BEACH, FL 32118. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SH FL 32118-5451

Customer Reference Number: C5606396.34044399

UNITED STATES POSTAL SERVICE®

Return address:

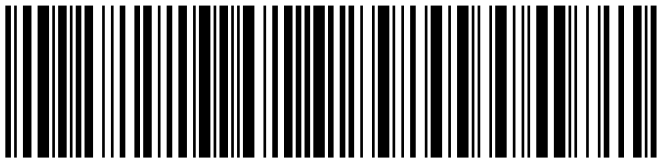
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION IN
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SH FL 32118-5451

MAILING DATE: 01/24/2025
DELIVERY DATE: 01/27/2025

USPS CERTIFIED MAIL



9214 8901 9403 8397 8380 97

USPS Tracking Label Number: 9214 8901 9403 8397 8380 97

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/24/2025 09:52
ORIGIN ACCEPTANCE	NEW SMYRNA BEACH,FL 32168	01/24/2025 22:56
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	01/25/2025 00:11
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	01/25/2025 09:19
DELIVERED LEFT WITH INDIVIDUAL	DAYTONA BEACH,FL 32118	01/27/2025 10:36

CASE #: 0051-2024 464 BOUCHELLE DR

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

City of New Smyrna Beach, Florida, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0051-2025

VS.

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC,
Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was heard on **February 26, 2025**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative X did ____did not attend the hearing. The Special Magistrate, having heard testimony, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The property which is the subject of this Code Compliance action is located at

   Address: 464 BOUCHELLE DR, NEW SMYRNA BEACH 32169
   Parcel: 741715030001
   Legal description: COMMON AREA BLDG 103 BOUCHELLE ISLAND I CONDO PER OR 3095 PG 0161

2. The property was first inspected by a Fire Inspector on **January 16, 2025.** At the time of inspection, the Fire Inspector found the property to be in violation of the City of New Smyrna Beach Code of Ordinances. On **January 16, 2025**, Code Compliance received notice from NSB Fire to issue a Notice of Violation.

3. The Respondent(s) was/were served a Notice of Violation on **January 25, 2025,** identifying the specific violation(s). The violation(s) was/were to be corrected by **February 11, 2025.** The Code Compliance Officer reinspected the property on **February 25, 2025,** and determined that the violation(s) was/were not corrected.

4. Based on the evidence presented at the hearing, it is determined that the following violation(s) exist on the property:

Sec. 42-13. – Violations; code enforcement; hazard abatement.

IT IS THEREUPON ORDERED that:

A. Respondent(s) shall bring the property into compliance with the code provisions cited above by 1 p.m. **March 14, 2025,** and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**. If the Special Magistrate finds that the violation(s) was/were not corrected by the date set forth above, a fine of **$250.00 per day for each section of code that remains in violation** may be imposed, not to exceed the maximum of $50,000.

B. **NEXT HEARING DATE:** This case shall be reviewed by the Special Magistrate at a public hearing on **March 26, 2025**, at **2:00 p.m.**, in the City Chambers, 214 Sams Ave., New Smyrna Beach, FL. The Special Magistrate will consider setting a fine and lien on the above case at this Public Hearing.

This Order may be appealed to the Circuit Court within 30 days of its execution.

NOTARY PUBLIC STATE OF FLORIDA
TERESA MERCK
MY COMMISSION # HH 604610
EXPIRES: October 20, 2028

DONE AND ORDERED on **February 26, 2025.**

Jessica Gow
Special Magistrate

ATTEST:

Teresa Merck
Code Compliance Clerk

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at C/O SOUTH ATLANTIC COMMUNITIES; 2422 S ATLANTIC AVE.; DAYTONA BEACH SHORES FL 32118 by:

(_√_) Certified Mail, Return Receipt Requested, Receipt #9214 8901 9403 8302 0021 48

(_√_) Post

(___) Hand Delivery

By: Teresa Merck, Code Compliance Clerk
Date: February 27, 2025


464
F.A.C.P.
INSIDE
March 4, 2025 at 11:52:30 AM EST

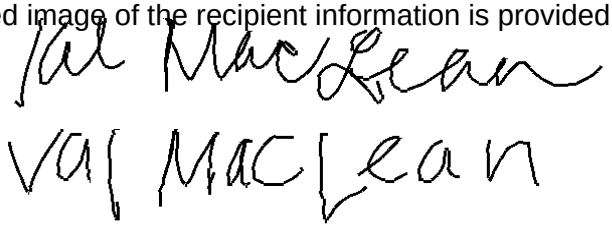
UNITED STATES POSTAL SERVICE

Date Produced: 03/04/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8302 0021 48. Our records indicate that this item was delivered on 03/03/2025 at 10:42 a.m. in DAYTONA BEACH, FL 32118. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient : 2422 S ATLANTIC AVE,
DAYTONA BEACH, FL 32118

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SH FL 32118-5451

Customer Reference Number: C5696463.34547025

2

UNITED STATES POSTAL SERVICE®

Return address:

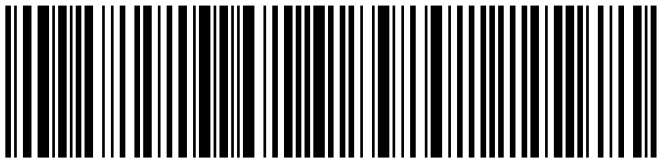
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION IN
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SH FL 32118-5451

MAILING DATE: 02/28/2025
DELIVERY DATE: 03/03/2025

USPS CERTIFIED MAIL



9214 8901 9403 8302 0021 48

USPS Tracking Label Number: 9214 8901 9403 8302 0021 48

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	02/28/2025 08:59
ORIGIN ACCEPTANCE	NEW SMYRNA BEACH,FL 32168	02/28/2025 22:08
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	02/28/2025 23:23
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	03/01/2025 09:22
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	03/01/2025 19:49
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	03/03/2025 01:01
DELIVERED FRONT DESK/RECEPTION/MAIL ROOM	DAYTONA BEACH,FL 32118	03/03/2025 10:42

CASE #: SM-0046-2025 446 BOUCHELLE DR

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0052-2025- 466 BOUCHELLE DR.; OWNER: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC.; OFFICER: HERMAN TRAUTWEIN

March 26, 2025

Background:

Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement.

Compliance Date: February 11, 2025

Method of Service: Property posted on January 25, 2025. Certified mail sent January 24, 2025 and was returned/refused.

Findings:

At the Special Magistrate hearing on February 26, 2025, Bouchelle Island I Condominium Association, Inc. was found in Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement.

Compliance date: 3/14/2025 by 1 p.m.

Method of Service: Property posted on March 4, 2025. Certified mail signed for on March 3, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0052-2025 466 Bouchelle Dr.pdf

CODE CASE DETAILED REPORT CE-0052-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code violation(s)
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741715020001 Main
Address: 466 Bouchelle Dr Main
New Smyrna Beach, FL 32169
Zone: R-4 (MULTI-FAMILY RESIDENTIAL)

Manager

Bouchelle Island I Condominium
Association Inc
1100 Ocean Shore Blvd
Ormond Beach, FL 32176
Business: 3862958630
Mobile: 3865628575

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 1:58 pm

Violation Code: Sec. 42-13.
Violations; code enforcement; hazard abatement.
Violation Status: In Violation
Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Code Description:
Resolved Date:
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | Print | ...

Bouchelle Island Code enforcement needed

GF Godawa, Fred
To: Trautwein, Herman

Reply | Reply all | Forward
Thu 1/16/2025 12:34 PM

You forwarded this message on Thu 1/16/2025 3:57 PM

I've completed and sent out to all property managers all the inspection and reinspection dates for their properties. I informed them that they are being sent to code. Some are trying to get them done but they had since June of 2024. Steve does not want me to waste anymore time and neither do I . I have given notice on several occasions via phone, face to face, inspection reports and emails.

They are:

- **401**
- **404**
- **405**
- **430**
- **444**
- **445**
- **446**
- **448**
- **449**
- **454**
- **462**
- **464**
- **466**

I will send to the latest reinspection report of each address. Thank you,

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 8007853 **Parcel ID: 741715020001**
BOUCHELLE ISLAND I CONDOMINIUM **466 BOUCHELLE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	8007853
Parcel ID:	741715020001
Township-Range-Section:	17 - 34 - 17
Subdivision-Block-Lot:	15 - 02 - 0001
Owner(s):	BOUCHELLE ISLAND I CONDOMINIUM - FS - Fee Simple - 100% ASSOCIATION INC - FS - Fee Simple - 100%
Mailing Address On File:	INTRACOASTAL BOOKKEEPING & MANAGEMENT PO BOX 1527 ORMOND BEACH FL 32175
Physical Address:	466 BOUCHELLE DR, NEW SMYRNA BEACH 32169
Property Use:	0900 - RES COMMON ELEMENTS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	0387
Subdivision Name:	BOUCHELLE ISLAND CONDO I BLDG 102
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

16-17-34 COMMON AREA BLDG 102 BOUCHELLE ISLAND I CONDO PER OR 3095 PG 161

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL 32168
386-410-2870

Violation Notice

Case Number: **CE-0052-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

Owner: BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - INTRACOASTAL BOOKKEEPING & MANAGEMENT

Mailing Address

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - INTRACOASTAL BOOKKEEPING & MANAGEMENT
PO BOX 1527
ORMOND BEACH, FL 32175

Notice of Violation for the following location:

Address	**Parcel**
466 BOUCHELLE DR NEW SMYRNA BEACH, FL 32169	**741715020001**

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0052-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/21/2025**
Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8339 17
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/2025

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - INTRACOASTAL BOOKKEEPING & MANAGEMENT
PO BOX 1527
ORMOND BEACH, FL 32175

CASE NO. CE-0052-2025
466 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - INTRACOASTAL BOOKKEEPING & MANAGEMENT
PO BOX 1527
ORMOND BEACH, FL 32175

CASE NO. CE-0052-2025
466 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC - INTRACOASTAL BOOKKEEPING & MANAGEMENT
PO BOX 1527
ORMOND BEACH, FL 32175

CASE NO. CE-0052-2025
466 BOUCHELLE DR
NEW SMYRNA BEACH, FL 32169

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 8339 17

(✓) Post

( )Hand Delivery

Teresa Merck

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	466 Bouchelle Drive	**Inspection Date:**	5/22/2024, 6/24/2024, 7/25/2024, 8/1/2024, 11/13/2024, 1/10/2025, 1/16/2025
Address:	466 Bouchelle Drive	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741715020001		

Insp. Result	Location	Code Set	Code
Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.6.4.3.2.1 - Extinguisher Annually Tested

Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Reinspection #1 Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #2 Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #3 Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #4 Inspector Comments: [ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Covers mission on several fire extinguishers cabinets since last inspection due to hurricanes.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #5 Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months. Last date serviced 7/22

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.
An annual external visual examination of all fire extinguishers shall be made to detect obvious physical damage, corrosion, or nozzle blockage; to verify that the operating instructions are present, legible, and facing forward, and that the HMIS information is present and legible, and to determine if a 6-year interval examination or hydrostatic test is due. [10:7.3.2.1]

Reinspection #6 Inspector Comments:
[ANNUAL INSPECTION] HAZARD: One or more fire extinguishers have not been inspected within the past 12 months.

ACTION REQUIRED: Contact a licensed vendor to have the fire extinguishers inspected.

Violation	Floor 1	FL NFPA 01 2018 Chapter 13 Fire Protection Systems	13.1.2 - Fire Protection System Testing and Maintenance: Property Owner Responsibility

Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

Reinspection #1 Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #2 Inspector Comments: Per red tag- painted or corroded sprinkler heads.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #3 Inspector Comments: [ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM. Corroded heads or painted heads.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #4 Inspector Comments: [ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

Red tag on system. System needs to be serviced. Critical.

Alarm panel corrected on 7-8-24. Standpipe still has violations.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #5 Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.
The property owner shall be responsible for the proper testing and maintenance of the equipment and systems.

Reinspection #6 Inspector Comments:
[ALARM ANNUAL] HAZARD: No documentation was available for the annual service testing of the building fire protection systems.

ACTION REQUIRED: Submit copies of the most recent (within 12 months) annual service testing reports for the BUILDING FIRE ALARM SYSTEM.

Documentation of the remediation of ALL deficiencies noted on the inspection report shall be submitted. All service testing reports shall be submitted to the fire marshal's office, and copies shall be maintained on site for a minimum of 3 years.

Violation	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations

Inspector Comments:
HAZARD: no elevator key in the Knox box
CORRECTION: locate elevator key and call fire marshal office to have key placed in Knox box.

Reinspection #1 Inspector Comments:
HAZARD: no elevator key in the Knox box
CORRECTION: locate elevator key and call fire marshal office to have key placed in Knox box.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #2 Inspector Comments:
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #3 Inspector Comments:
HAZARD: no elevator key in the Knox box

CORRECTION: locate elevator key and call fire marshal office to have key placed in Knox box. All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #4 Inspector Comments: Hazard: Key to elevator missing in Knox box.

CORRECTION: obtain key to elevator and call fire marshals office to place key in Knox box.
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #5 Inspector Comments:
HAZARD: no elevator key in the Knox box
CORRECTION: locate elevator key and call fire marshal office to have key placed in Knox box.

Key that was received today 1-10-25 doesn't not operated elevator controls for the fire department .
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Reinspection #6 Inspector Comments:
HAZARD: no elevator key in the Knox box
CORRECTION: locate elevator key and call fire marshal office to have key placed in Knox box. All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]
All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101: 9.4.3.2]

Violation	Floor 1	FL NFPA 01 2018 Chapter 14 Means of Egress	14.14.5.2.1 - Exit Signage: Continuous Illumination

Inspector Comments:
[MULTIPLE NOT ILLUMINATED] HAZARD: Numerous exit signs throughout the structure are not illuminated.

ACTION REQUIRED: Repair or replace all faulty exit signs. Exit signs shall be illuminated at all times, and have a means of battery backup. Signs shall remain illuminated when the "test" button is pressed.

✔ ***Corrected on 6/24/2024***

N/A	Floor 1	FL NFPA 01 2018 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required

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Inspector Comments:
Inspector Comments - Reinspection #2: Referred to code information for citation and appearance before special majesty.
Inspector Comments - Reinspection #6: Initial inspection date: 05/22/24
First reinspection date: 06/24/24
Second reinspection date: 07/25/24
Third reinspection date: 08/01/24
Fourth reinspection date: 11/13/24

Fifth reinspection date: 01/10/25
Sixth reinspection date: 01/16/25

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a))*.

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:


Fred Godawa
6/24/2024

Inspector:


Fred Godawa
11/13/2024

Inspector:

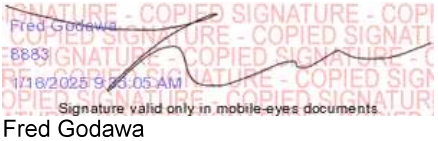

Fred Godawa
5/22/2024

Inspector:


Fred Godawa
8/1/2024

Inspector:


Fred Godawa
1/10/2025

Inspector:


Fred Godawa
1/16/2025

Inspector:


Fred Godawa
7/25/2024

Ref: 8883


466
F.A.C.P.
INSIDE
January 25, 2025 at 9:33:52 AM EST

CERTIFIED MAIL

ORLANDO FL 328
24 JAN 2025 PM 2 L

Code Department
City of New Smyrna Beach
210 Sams Ave Fl 1
New Smryna Beach FL 32168

USPS CERTIFIED MAIL

quadient
FIRST-CLASS MAIL
IMI
$008.44
01/24/2025 ZIP 32168
043M31259290

US POSTAGE

Refused

BOUCHELLE ISLAND I
CONDOMINIUM ASSOCIATION INC
INTRACOASTAL BOOKKEPING & MANAGEMENT
PO BOX 1527
ORMOND BEACH FL 32175-1527

32175-1527 RTS
32168>7040

NIXIE 339 DE 1 0002/02/25
RETURN TO SENDER
REFUSED
UNABLE TO FORWARD
BC: 32168704010 *0274-02737-24-45

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

City of New Smyrna Beach, Florida, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0052-2025

VS.

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC,
Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was heard on **February 26, 2025**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative __Y__did ____did not attend the hearing. The Special Magistrate, having heard testimony, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The property which is the subject of this Code Compliance action is located at

   Address: 466 BOUCHELLE DR, NEW SMYRNA BEACH 32169
   Parcel: 741715020001
   Legal description: 16-17-34 COMMON AREA BLDG 102 BOUCHELLE ISLAND I CONDO PER OR 3095 PG 161

2. The property was first inspected by a Fire Inspector on **January 16, 2025**. At the time of inspection, the Fire Inspector found the property to be in violation of the City of New Smyrna Beach Code of Ordinances. On **January 16, 2025**, Code Compliance received notice from NSB Fire to issue a Notice of Violation.

3. The Respondent(s) was/were served a Notice of Violation on **January 25, 2025,** identifying the specific violation(s). The violation(s) was/were to be corrected by **February 11, 2025.** The Code Compliance Officer reinspected the property on **February 25, 2025,** and determined that the violation(s) was/were not corrected.

4. Based on the evidence presented at the hearing, it is determined that the following violation(s) exist on the property:

Sec. 42-13. – Violations; code enforcement; hazard abatement.

IT IS THEREUPON ORDERED that:

A. Respondent(s) shall bring the property into compliance with the code provisions cited above by 1 p.m. **March 14, 2025,** and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**. If the Special Magistrate finds that the violation(s) was/were not corrected by the date set forth above, a fine of **$250.00 per day for each section of code that remains in violation** may be imposed, not to exceed the maximum of $35,000.

B. **NEXT HEARING DATE:** This case shall be reviewed by the Special Magistrate at a public hearing on **March 26, 2025**, at **2:00 p.m.**, in the City Chambers, 214 Sams Ave., New Smyrna Beach, FL. The Special Magistrate will consider setting a fine and lien on the above case at this Public Hearing.

This Order may be appealed to the Circuit Court within 30 days of its execution.

NOTARY PUBLIC STATE OF FLORIDA
TERESA MERCK
MY COMMISSION # HH 604610
EXPIRES: October 20, 2028

DONE AND ORDERED on **February 26, 2025.**

Jessica Gow
Special Magistrate

ATTEST:

Teresa Merck
Code Compliance Clerk

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at INTRACOASTAL BOOKKEEPING & MANAGEMENT; PO BOX 1527; ORMOND BEACH FL 32175 by:

(_√_) Certified Mail, Return Receipt Requested, Receipt #9214 8901 9403 8302 0021 48

(_√_) Post

(___) Hand Delivery

By: Teresa Merck, Code Compliance Clerk
Date: February 27, 2025


466
F.A.C.P.
INSIDE
March 4, 2025 at 11:54:32 AM EST

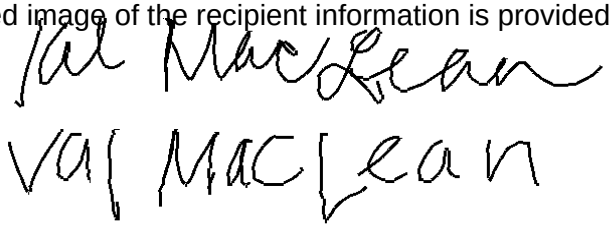
UNITED STATES POSTAL SERVICE

Date Produced: 03/04/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8302 0021 48. Our records indicate that this item was delivered on 03/03/2025 at 10:42 a.m. in DAYTONA BEACH, FL 32118. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient : 2422 S ATLANTIC AVE,
DAYTONA BEACH, FL 32118

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION INC
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SH FL 32118-5451

Customer Reference Number: C5696463.34547025

2

UNITED STATES POSTAL SERVICE®

Return address:

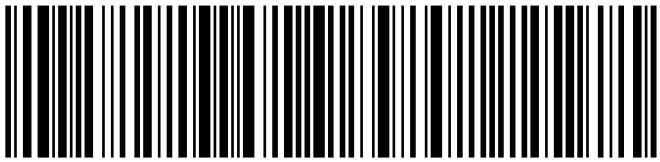
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

BOUCHELLE ISLAND I CONDOMINIUM ASSOCIATION IN
C/O: SOUTH ATLANTIC COMMUNITIES
2422 S ATLANTIC AVE
DAYTONA BEACH SH FL 32118-5451

MAILING DATE: 02/28/2025
DELIVERY DATE: 03/03/2025

USPS CERTIFIED MAIL



9214 8901 9403 8302 0021 48

USPS Tracking Label Number: 9214 8901 9403 8302 0021 48

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	02/28/2025 08:59
ORIGIN ACCEPTANCE	NEW SMYRNA BEACH,FL 32168	02/28/2025 22:08
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	02/28/2025 23:23
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	03/01/2025 09:22
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	03/01/2025 19:49
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	03/03/2025 01:01
DELIVERED FRONT DESK/RECEPTION/MAIL ROOM	DAYTONA BEACH,FL 32118	03/03/2025 10:42

CASE #: SM-0046-2025 446 BOUCHELLE DR

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0053-2025- 3700 S. ATLANTIC AVE.; OWNER: MARINERS COVE CONDOMINIUM ASSOCIATION; OFFICER: HERMAN TRAUTWEIN

March 26, 2025

Background:

Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement.

Compliance Date: February 11, 2025.

Method of Service: Property posted on January 25, 2025. Certified mail sent January 24, 2025.

Findings:

At the Special Magistrate hearing on February 26, 2025, Mariners Cove Condominium Association was found in Violation of City Code Sec. 42-13. - Violations; code enforcement; hazard abatement.

Compliance date: 3/14/2025 by 1 p.m.

Method of Service: Property posted on March 4, 2025. Certified mail signed for on March 5, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0053-2025 3700 S. Atlantic Ave.pdf

CODE CASE DETAILED REPORT CE-0053-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Herman Trautwein
Project:
District: New Smyrna Beach
Description: Fire code violation(s)
Opened Date: 01/21/2025
Closed Date: NOT CLOSED

Parcel: 741507000001 Main
Address: 3700 S Atlantic Av Main
New Smyrna Beach, FL 32169
Zone: R-5 (MULTI-FAMILY RESIDENTIAL)

Manager
Mariners Cove Condo
3700 S Atlanitc Ave
New Smyrna Beach, FL 32169

Note	Created By	Date and Time Created
1. Case was initiated by NSB inspector Fred Godawa 01/16/25 and is awaiting his fire report.	Herman Trautwein	1/21/2025 2:06 pm

Violation Code: Sec. 42-13.
Violations; code enforcement; hazard abatement.
Code Description:
Violation Status: In Violation
Citation Issue Date: 01/21/2025
Compliance Date: 02/11/2025
Resolved Date:

Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT

Code Enforcement

Copy to | Reply | Reply all | Forward | Share to Teams | Zoom | ...

Code Enforcement

GF

Godawa, Fred

To: Trautwein, Herman

Thu 1/16/2025 4:10 PM

Has not made any effort on correcting violations. I sent you the report.

Mariner's Cove Condominiums
BLDG Mariner's Cove Condominiums
3700 South Atlantic Avenue
New Smyrna Beach, FL 32169

Fred Godawa
Fire Inspector FM-52
New Smyrna Beach Fire Department
1400 State Route 44
New Smyrna Beach, FL. 32168
Office: 386-424-2128
Mobile: 386-410-9446
fgodawa@cityofnsb.com
www.cityofnsb.com
@NSB_FireMarshal

Reply | Forward

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 6038091 **Parcel ID: 741507000001**
MARINERS COVE CONDO ASSOC **3700 S ATLANTIC AVE, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	6038091
Parcel ID:	741507000001
Township-Range-Section:	17 - 34 - 15
Subdivision-Block-Lot:	07 - 00 - 0001
Owner(s):	MARINERS COVE CONDO ASSOC - FS - Fee Simple - 100%
Mailing Address On File:	3700 S ATLANTIC AVE NEW SMYRNA BEACH FL 32169
Physical Address:	3700 S ATLANTIC AVE, NEW SMYRNA BEACH 32169
Property Use:	0900 - RES COMMON ELEMENTS
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	0346
Subdivision Name:	MARINERS COVE CONDO
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$0	$0	$0	$0	1.5000	$0.00
0012	DISCRETIONARY	$0	$0	$0	$0	0.7480	$0.00
0011	REQ LOCAL EFFORT	$0	$0	$0	$0	3.0370	$0.00
0050	GENERAL FUND	$0	$0	$0	$0	3.2007	$0.00
0053	LAW ENFORCEMENT FUND	$0	$0	$0	$0	1.5994	$0.00
0055	LIBRARY	$0	$0	$0	$0	0.3891	$0.00
0520	MOSQUITO CONTROL	$0	$0	$0	$0	0.1647	$0.00
0530	PONCE INLET PORT AUTHORITY	$0	$0	$0	$0	0.0692	$0.00
0058	VOLUSIA ECHO	$0	$0	$0	$0	0.2000	$0.00
0057	VOLUSIA FOREVER	$0	$0	$0	$0	0.2000	$0.00
0065	FLORIDA INLAND NAVIGATION DISTRICT	$0	$0	$0	$0	0.0288	$0.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$0	$0	$0	$0	0.7506	$0.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$0	$0	$0	$0	0.1793	$0.00
0271	NEW SMYRNA BCH I&S 2005	$0	$0	$0	$0	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$0	$0	$0	$0	0.0895	$0.00
0270	NEW SMYRNA BEACH	$0	$0	$0	$0	4.6370	$0.00
						16.7933	$0.00

Non-Ad Valorem Assessments

Project	Units	Rate	Total
			$0.00

Estimated Ad Valorem Tax:	$0.00
Estimated Non-Ad Valorem Tax:	$0.00
Estimated Taxes:	**$0.00**
Estimated Tax Amount without SOH:	$0.00

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$0	$0	$0	$0	$0	$0	$0
2023	$0	$0	$0	$0	$0	$0	$0
2022	$0	$0	$0	$0	$0	$0	$0
2021	$1	$0	$1	$1	$0	$1	$0
2020	$1	$0	$1	$1	$0	$1	$0
2019	$1	$0	$1	$1	$0	$1	$0
2018	$1	$0	$1	$1	$0	$1	$0
2017	$1	$0	$1	$1	$0	$1	$0
2016	$1	$0	$1	$1	$0	$1	$0

AltKey: 6038091 **Parcel ID: 741507000001**

MARINERS COVE CONDO ASSOC **3700 S ATLANTIC AVE, NEW SMYRNA BEACH, FL**

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

22-17-34 COMMON AREA MARINERS COVE CONDO MB 34 PG 135-139A & PER OR 1893/1731 PER OR 8303 PG 1540

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0053-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/21/2025**

Compliance Deadline: **02/11/2025**

Owner: MARINERS COVE CONDO

Mailing Address

MARINERS COVE CONDO
3700 S ATLANITC AVE
NEW SMYRNA BEACH, FL 32169

Notice of Violation for the following location:

Address

3700 S ATLANTIC AV
NEW SMYRNA BEACH, FL 32169

Parcel

741507000001

Violation: Sec. 42-13. - Violations; code enforcement; hazard abatement.
(a) Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of this Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code.
(b) Whenever violations of this Code are found or identified, a written notice shall be issued to confirm such findings. The notice issued shall conform to the requirements of the Florida Fire Prevention Code.
Corrective Action: SEE SPECIFIC FIRE CODE(S) AND ACTION REQUIRED IN THE ATTACHED NSB FIRE REPORT - For Fire Dept. related questions, call Fire Inspector Fred Godawa 386-424-2237.
Compliance Date: 02/11/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0053-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/21/2025**

Compliance Deadline: **02/11/2025**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com

1/24/2025

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

MARINERS COVE CONDO
3700 S ATLANITC AVE
NEW SMYRNA BEACH, FL 32169

CASE NO. CE-0053-2025
3700 S ATLANTIC AV
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **February 26, 2025, at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

MARINERS COVE CONDO
3700 S ATLANITC AVE
NEW SMYRNA BEACH, FL 32169

CASE NO. CE-0053-2025
3700 S ATLANTIC AV
NEW SMYRNA BEACH, FL 32169

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8397 9698 52

(✓) Post

( ) Hand Delivery

Teresa Merck

Teresa Merck
Administrative Specialist

Herman Trautwein
Code Compliance Officer
Phone: (386) 410-2872
Email: htrautwein@cityofnsb.com
1/24/2025

New Smyrna Beach Fire Department

1400 State Route 44
New Smyrna Beach, FL. 32168
(386) 402-7631
www.cityofnsb.com

Occupant Name:	Mariner's Cove Condominiums	**Inspection Date:**	10/22/2024, 12/12/2024, 1/16/2025
Address:	3700 South Atlantic Avenue	**InspectionType:**	Fire and Life Safety - Multi-Family Residential
City:	New Smyrna Beach	**Occupant Number:**	
Suite:		**Inspected By:**	Fred Godawa fgodawa@cityofnsb.com
Parcel/Tax ID #:	741507000001		

Insp. Result	Location	Code Set	Code
Pass	Floor 1	FL NFPA 01 2021 Chapter 10 General Safety Requirements	10.19.3.1 - Excerpt: [Storage shall be maintained 2 ft (0.61 m) or mo...]

Inspector Comments: Found some storage items close to being in violation. This is just an explanation of code.

Storage shall be maintained 2 ft (0.61 m) or more from the ceiling in nonsprinklered areas of buildings.

Violation	Floor 1	FL NFPA 01 2021 Chapter 11 Building Services	11.3.1.2 - Existing Elevators - Firefighter Emergency Operations

Inspector Comments: Elevator key needs to be placed in the Knox box by fire inspector when box is installed.

All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, *Safety Code for Existing Elevators and Escalators*. [***101***:9.4.3.2]

Reinspection #1 Inspector Comments: Elevator key needs to be placed in the Knox box by fire inspector when box is installed. All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101:9.4.3.2]

Reinspection #2 Inspector Comments: Elevator key needs to be placed in the Knox box by fire inspector when box is installed. All existing elevators having a travel distance of 25 ft (7620 mm) or more above or below the level that best serves the needs of emergency personnel for fire-fighting or rescue purposes shall conform to the fire fighters' emergency operations requirements of ASME A17.3, Safety Code for Existing Elevators and Escalators. [101:9.4.3.2]

Violation	Floor 1	FL NFPA 01 2021 Chapter 11 Building Services	11.6.1.2 - Laundry & Trash Chute Fire Door (see photo 1.1)

Inspector Comments: [TRASH CHUTE] HAZARD: Trash chute does not self-close and latch.

ACTION REQUIRED: Have the trash chute opening covered or replaced by a qualified technician. System is no longer in use. All trash chute doors have been permanently closed.

Reinspection #1 Inspector Comments: Unable to inspect due to not have a Knox box with keys. [TRASH CHUTE] HAZARD: Trash chute does not self-close and latch.

ACTION REQUIRED: Have the trash chute opening covered or replaced by a qualified technician. System is no longer in use. All trash chute doors have been permanently closed.

Reinspection #2 Inspector Comments: [TRASH CHUTE] HAZARD: Trash chute does not self-close and latch.

ACTION REQUIRED: Have the trash chute opening covered or replaced by a qualified technician. System is no longer in use. All trash chute doors have been permanently closed.

Violation	Floor 1	FL NFPA 01 2021 Chapter 12 Features of Fire Protection	12.3.3.1 - Fire Resistive Construction Maintained (see photo 2.1, 2.2)

Inspector Comments: Have open closed with fire resistant material.

Required fire-resistive construction, including fire barriers, fire walls, exterior walls due to location on property, fire-resistive requirements based on type of construction, draft-stop partitions, and roof coverings, shall be maintained and shall be properly repaired, restored, or replaced where damaged, altered, breached, penetrated, removed, or improperly installed.

Reinspection #1 Inspector Comments: Have open closed with fire resistant material. Required fire-resistive construction, including fire barriers, fire walls, exterior walls due to location on property, fire-resistive requirements based on type of construction, draft-stop partitions, and roof coverings, shall be maintained and shall be properly repaired, restored, or replaced where damaged, altered, breached, penetrated, removed, or improperly installed. Mail room.

Required fire-resistive construction, including fire barriers, fire walls, exterior walls due to location on property, fire-resistive requirements based on type of construction, draft-stop partitions, and roof coverings, shall be maintained and shall be properly repaired, restored, or replaced where damaged, altered, breached, penetrated, removed, or improperly installed.

Reinspection #2 Inspector Comments: Have open closed with fire resistant material. Required fire-resistive construction, including fire barriers, fire walls, exterior walls due to location on property, fire-resistive requirements based on type of construction, draft-stop partitions, and roof coverings, shall be maintained and shall be properly repaired, restored, or replaced where damaged, altered, breached, penetrated, removed, or improperly installed.

Violation	Floor 1	FL NFPA 01 2021 Chapter 13 Fire Protection Systems	13.1.8 - Fire Protection System Operable and Maintained (see photo 3.1)

Inspector Comments: HAZARD: standpipe and hose cabinets need to be inspected and certified.

CORRECTION: Standpipe system need to be inspected by a certified standpipe company.

All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.

Reinspection #1 Inspector Comments: HAZARD: standpipe and hose cabinets need to be inspected and certified.

CORRECTION: Standpipe system need to be inspected by a certified standpipe company. All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.

Standpipe needs to be maintained and certified. Hose for the cabinets are not needed, but if hose is removed; pipes need to have caps.

All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.

Reinspection #2 Inspector Comments: HAZARD: standpipe and hose cabinets need to be inspected and certified.

CORRECTION: Standpipe system need to be inspected by a certified standpipe company. All fire protection systems and devices shall be maintained in a reliable operating condition and shall be replaced or repaired where defective or recalled.

Violation	Floor 1	FL NFPA 01 2021 Chapter 18 Fire Department Access and Water Supply	18.2.2.1 - Key Box Required (see photo 4.1)

Inspector Comments: REQUIRED: Purchase a Knox Box lock box and install it within five (5) feet of the main entrance door. The box shall be installed five (5) feet above finished grade. To purchase the Knox Box, follow these steps:1. Go to www.knoxbox.com and select the "BUY" tab in the upper right corner of the screen.2. Select "Florida" and "New Smyrna Beach FD" (Do NOT select the Residential Home Boxes page).3. Select "Commercial Knox Boxes"4. Choose "Knox Box 3200 Series" and pick the options you would like. Once the Knox Box is ordered, it will arrive without keys inside and the box will be unlocked. Install the box as directed and then notify our office to respond and place your keys inside.

The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The access box(es) shall be of an approved type listed in accordance with UL 1037.

Reinspection #1 Inspector Comments: REQUIRED: Purchase a Knox Box lock box and install it within five (5) feet of the main entrance door. The box shall be installed five (5) feet above finished grade. To purchase the Knox Box, follow these steps:1. Go to www.knoxbox.com and select the "BUY" tab in the upper right corner of the screen.2. Select "Florida" and "New Smyrna Beach FD" (Do NOT select the Residential Home Boxes page).3. Select "Commercial Knox Boxes"4. Choose "Knox Box 3200 Series" and pick the options you would like. Once the Knox Box is ordered, it will arrive without keys inside and the box will be unlocked. Install the box as directed and then notify our office to respond and place your keys inside.The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The access box(es) shall be of an approved type listed in accordance with UL 1037.

The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The access box(es) shall be of an approved type listed in accordance with UL 1037.

Reinspection #2 Inspector Comments: REQUIRED: Purchase a Knox Box lock box and install it within five (5) feet of the main entrance door. The box shall be installed five (5) feet above finished grade. To purchase the Knox Box, follow these steps:1. Go to www.knoxbox.com and select the "BUY" tab in the upper right corner of the screen.2. Select "Florida" and "New Smyrna Beach FD" (Do NOT select the Residential Home Boxes page).3. Select "Commercial Knox Boxes"4. Choose "Knox Box 3200 Series" and pick the options you would like. Once the Knox Box is ordered, it will arrive without keys inside and the box will be unlocked. Install the box as directed and then notify our office to respond and place your keys inside.The AHJ shall have the authority to require an access box(es) to be installed in an accessible location where access to or within a structure or area is difficult because of security. The access box(es) shall be of an approved type listed in accordance with UL 1037.

Violation	Floor 1	FL NFPA 01 2021 Chapter 18 Fire Department Access and Water Supply	18.2.2.3 - Lock Box Keys Up to Date

Inspector Comments: ACTION REQUIRED: Please provide CURRENT hard keys to all areas requested. As a minimum, keys to all fire sprinkler riser rooms, electrical and mechanical rooms, storage rooms, elevator operation and equipment rooms as well as the main entrance door are required as applicable. If the building is equipped with master keyed locks, a building master or

grand master key is also requested. Card keys or access codes may also be supplied but a hard key shall be primary means of access.

Reinspection #1 Inspector Comments: ACTION REQUIRED: Please provide CURRENT hard keys to all areas requested. As a minimum, keys to all fire sprinkler riser rooms, electrical and mechanical rooms, storage rooms, elevator operation and equipment rooms as well as the main entrance door are required as applicable. If the building is equipped with master keyed locks, a building master or grand master key is also requested. Card keys or access codes may also be supplied but a hard key shall be primary means of access.

Reinspection #2 Inspector Comments: ACTION REQUIRED: Please provide CURRENT hard keys to all areas requested. As a minimum, keys to all fire sprinkler riser rooms, electrical and mechanical rooms, storage rooms, elevator operation and equipment rooms as well as the main entrance door are required as applicable. If the building is equipped with master keyed locks, a building master or grand master key is also requested. Card keys or access codes may also be supplied but a hard key shall be primary means of access.

N/A	Floor 1	FL NFPA 01 2021 Chapter 11 Building Services	11.7.5.1 - Generator Testing & Maintenance Required
Violation	Floor 1	FL NFPA 01 2021 Chapter 14 Means of Egress	14.6.3* - Usable Space. (see photo 5.1, 5.2)

Inspector Comments: HAZARD: spray foam (combustible)used to silence noise when using the stairs.

CORRECTION: place non-combustible 1 hour rating fire resistant material over spray foam.

Enclosed, usable spaces, within exit enclosures shall be prohibited, including under stairs, unless otherwise permitted by 14.6.3.2. [***101***:7.2.2.5.3]

Reinspection #1 Inspector Comments: HAZARD: spray foam (combustible)used to silence noise when using the stairs.

CORRECTION: place non-combustible 1 hour rating fire resistant material over spray foam. Enclosed, usable spaces, within exit enclosures shall be prohibited, including under stairs, unless otherwise permitted by 14.6.3.2. [101:7.2.2.5.3]

Enclosed, usable spaces, within exit enclosures shall be prohibited, including under stairs, unless otherwise permitted by 14.6.3.2. [***101***:7.2.2.5.3]

Reinspection #2 Inspector Comments: HAZARD: spray foam (combustible)used to silence noise when using the stairs.

CORRECTION: place non-combustible 1 hour rating fire resistant material over spray foam. Enclosed, usable spaces, within exit enclosures shall be prohibited, including under stairs, unless otherwise permitted by 14.6.3.2. [101:7.2.2.5.3]

Inspector Comments:
Inspector Comments - Reinspection #2: Initial inspection date: 10/22/24
First reinspection date: 12/12/24
Second reinspection date: 01/16/24

Referred to Code Enforcement for citation and appearance before the Special Magistrate. Daily fines may also be assessed.

A Fire Safety Inspection has been conducted at the above address and the noted deficiencies require immediate attention and or repair. A follow-up inspection will be performed to verify corrections.

Any person or persons having control of or owning property within the City of New Smyrna Beach which is in violation or noncompliance with the Fire Protection and Prevention Code, Florida Fire Prevention Code, and/or any nationally recognized Codes and Standards herein adopted, shall be subject to punishment as for a violation of the City Code of Ordinances pursuant to section 1-14, City Code, and chapter 26, part XVI, City Code. *(Sec. 42-13 (a)*).

- Referenced Codes: *Florida Fire Prevention Code*, Eighth Edition

Fire and life safety are very important in our community. Working together in a collaborative manner ensures the safety and well-being of our residents and visitors. If you have any questions, please do not hesitate to contact our office at 386-402-7631.

Inspector:



Fred Godawa
1/16/2025

Inspector:



Fred Godawa
10/22/2024

Inspector:



Fred Godawa
12/12/2024

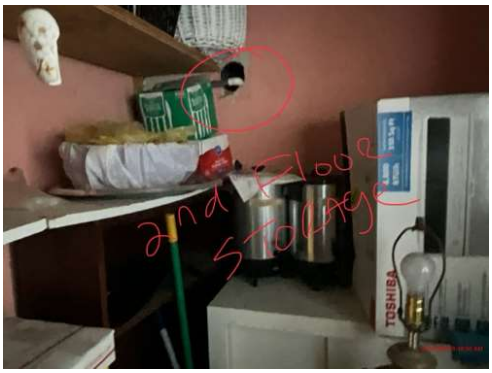
1.1 - 11.6.1.2.



2.1 - 12.3.3.1.



2.2 - 12.3.3.1.



3.1 - 13.1.8.



4.1 - 18.2.2.1.



5.1 - 14.6.3*.



5.2 - 14.6.3*.



Ref: 10234


WARNING
THESE PREMISES
ARE UNDER
24 HOUR VIDEO
SURVEILLANCE
Mariner
Cove
January 25, 2025 at 9:50:26 AM EST

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

City of New Smyrna Beach, Florida, a municipal corporation,
Petitioner,

CASE NO.: CCSM-0053-2025

VS.

MARINERS COVE CONDO ASSOC,
Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This case was heard on **February 26, 2025**, before the Special Magistrate at a public hearing, after due notice to Respondent(s). The Respondent/Representative _X_ did ____did not attend the hearing. The Special Magistrate, having heard testimony, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. The property which is the subject of this Code Compliance action is located at

   Address: 3700 S ATLANTIC AVE, NEW SMYRNA BEACH 32169
   Parcel: 741507000001
   Legal description: 22-17-34 COMMON AREA MARINERS COVE CONDO MB 34 PG 135-139A & PER OR 1893/1731 PER OR 8303 PG 1540

2. The property was first inspected by a Fire Inspector on **January 16, 2025**. At the time of inspection, the Fire Inspector found the property to be in violation of the City of New Smyrna Beach Code of Ordinances. On **January 16, 2025,** Code Compliance received notice from NSB Fire to issue a Notice of Violation.

3. The Respondent(s) was/were served a Notice of Violation on **January 25, 2025,** identifying the specific violation(s). The violation(s) was/were to be corrected by **February 11, 2025.** The Code Compliance Officer reinspected the property on **February 25, 2025,** and determined that the violation(s) was/were not corrected.

4. Based on the evidence presented at the hearing, it is determined that the following violation(s) exist on the property:

Sec. 42-13. – Violations; code enforcement; hazard abatement.

IT IS THEREUPON ORDERED that:

A. Respondent(s) shall bring the property into compliance with the code provisions cited above by 1 p.m. **March 14, 2025,** and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**. If the Special Magistrate finds that the violation(s) was/were not corrected by the date set forth above, a fine of **$250.00 per day for each section of code that remains in violation** may be imposed, not to exceed the maximum of $115,000.00.

B. **NEXT HEARING DATE:** This case shall be reviewed by the Special Magistrate at a public hearing on **March 26, 2025**, at **2:00 p.m.**, in the City Chambers, 214 Sams Ave., New Smyrna Beach, FL. The Special Magistrate will consider setting a fine and lien on the above case at this Public Hearing.

This Order may be appealed to the Circuit Court within 30 days of its execution.

NOTARY PUBLIC STATE OF FLORIDA
TERESA MERCK
MY COMMISSION # HH 604610
EXPIRES: October 20, 2028

DONE AND ORDERED on **February 26, 2025.**

Jessica Gow
Special Magistrate

ATTEST:

Teresa Merck
Code Compliance Clerk

CERTIFICATE OF SERVICE: I hereby certify that the foregoing Order was served on the above-named Respondent(s) at 3700 S ATLANTIC AVE., NEW SMYRNA BEACH FL 32169 by:

(_V_) Certified Mail, Return Receipt Requested, Receipt # 9214 8901 9403 8302 0104 19

(_V_) Post

(___) Hand Delivery

By: Teresa Merck, Code Compliance Clerk
Date: February 27, 2025


Mariner's
Cove
WARNING
THESE PREMISES
ARE UNDER
24 HOUR VIDEO
SURVEILLANCE
March 4, 2025 at 11:27:07 AM EST

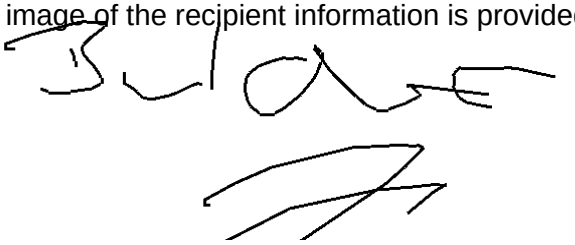
UNITED STATES POSTAL SERVICE

Date Produced: 03/06/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8302 0104 19. Our records indicate that this item was delivered on 03/05/2025 at 10:07 a.m. in NEW SMYRNA BEACH, FL 32169. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

MARINERS COVE CONDO ASSOC
3700 S ATLANTIC AVE
NEW SMYRNA FL 32169-3747

Customer Reference Number: C5693353.34531672

2

UNITED STATES POSTAL SERVICE®

Return address:

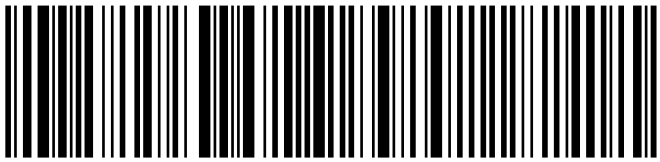
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

MARINERS COVE CONDO ASSOC
3700 S ATLANTIC AVE
NEW SMYRNA FL 32169-3747

MAILING DATE: 02/27/2025
DELIVERY DATE: 03/05/2025

USPS CERTIFIED MAIL



9214 8901 9403 8302 0104 19

USPS Tracking Label Number: 9214 8901 9403 8302 0104 19

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	02/27/2025 11:37
DELIVERED LEFT WITH INDIVIDUAL	NEW SMYRNA BEACH,FL 32169	03/05/2025 10:07

CASE #: SM-0053-2025 3700 S ATLANTIC HT

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0715-2024- 4393 S. SEA MIST DR; OWNER: EMAJIN OPERATIONS LLC TRUST C & S. SEA MIST 4393 LAND TRUST 4-26-24 TR; OFFICER: JASON YATES

March 26, 2025

Background:

Violation of City Code Sec. LDR 604.051. - Tree Preservation

Compliance Date: March 17, 2025

Method of Service: Property posted January 21, 2025; Certified mail sent January 15, 2025 and resent March 7, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0715-2024 4393 S. Sea Mist Dr- Tree Mitigation Outline.pdf

CODE CASE DETAILED REPORT CE-0715-2024
FOR CITY OF NEW SMYRNA BEACH

Case Type:	Code Enforcement	**Project:**		**Opened Date:**	10/08/2024
Status:	In Progress	**District:**	New Smyrna Beach	**Closed Date:**	NOT CLOSED
Assigned To:	Jason Yates	**Description:**	4393 S. Sea Mist Drive. House on the property was demolished (with a permit) surrounding trees and land clearing was NOT permitted.		

Parcel:	742601160020	Main	**Address:**	**Zone:**	R-1 (SINGLE FAMILY RESIDENTIAL)

Owner

Emajin Operations Llc Trust C & S Sea Mist 4393 Land Trust 4-26-24 - Tr

5224 W Sr 46, STE 243
Sanford, FL 32771

Contractor

Clarkson Concepts Inc
Gregory Clarkson

2843 Northwood Blvd
Winter Park, FL 32789

Home: (407) 929-0755

Mobile: (407) 929-0755

CODE CASE DETAILED REPORT (CE-0715-2024)

Note	Created By	Date and Time Created
1. Code compliance received multiple calls in regards to a house being demolished, when the system was checked, a permit for that job was issued. However, it was also brought to the attention of Code Compliance that multiple trees and the clearing of land had also taken place and no permit. I drove out to the property and met with Channing Maiolo (Compliance Coordinator) who also witnessed the clearing of the property. We both spoke with multiple neighbors about this situation and explained that removing the structure was allowed, the removal of trees was not allowed, nor was changing the elevation of the property. Channing reached out to Jesse Meyers (Senior Civil Engineer) an asked if he could come out to look at the property and assist us with a solution to this issue, he agreed. Channing also spoke with the General Contactor and he agreed to meet us as well. With all parties present at the property we came to a temporary solution to help redirect water from the possible Hurricane heading towards us, since trees have been removed and the landscape has been altered. A stop work order was also posted. An agreement to clean up and remove any debris that could possibly become airborne was made, as well as bracing the neighboring properties from erosion with the piles of dirt that have been built up and sitting at the property. Lastly, Jesse asked the GC to make channels to assist in the redirection of water which will also aid in keeping it out of the neighboring property which is located across the street (this property is lower then the street level).	Jason Yates	10/8/2024 11:04 am
2. I have passed by this property a few times since the original compliant to check for general site maintenance. I have been stopped by one of the neighbors of this property and asked questions in regards to the demo. I have also received multiple phone calls about discrepancies the neighbors have had about this property. On 10-28-2024 I spoke with the neighbor who previously stopped me (Steve Knoll 386-214-4450) and he informed me of cracks he had found in his dividing wall that separates the two properties. He believes that they were caused by the recent demo and/or the removal of multiple trees. He stated that "The land being undercut/scaped right next to the wall" is the reason for these cracks. I can not confirm if these cracks (which I have not seen, due to this complaint being made via phone call and that I have never seen these in person, photo, etc.) were previously there or not there. I explained to Steve that this is a civil issue. If he believes that the contractor caused damage to his wall, then he must report that damage to the General Contractor. He then also informed me that the GC had removed a septic tank from the ground and that he called the Health Dept to see if a permit was on file through them and they told him that the didn't have one on file. I later called the Health Dept to confirm this and they informed me that they didn't have a permits for the initial install or removal and /or new install, and that they would send an Inspector over to the property to see if these claims were true. Currently, I am waiting on other departments that are also involved, to aid in me moving forward on this case.	Jason Yates	10/28/2024 1:39 pm
3. On 11-11-2024 the Building Demolition Final (IBLD-021225-2024) had passed its inspection. The Minor Subdivision (MS-0006-2024) is still in the review status. I believe that these things need to be in place before the GC can fix the issue of removing the multiple trees without a permit. I will confirm this information with Channing Maiolo the Compliance Coordinator under Developmental Services.	Jason Yates	11/12/2024 8:40 am
4. As of 11-21-2024, I am currently waiting on information from other Departments (Development Services, Building Dept. and Legal). Without this information I can not proceed with issuing a Notice of Violation to the property owner.	Jason Yates	11/21/2024 1:28 pm
5. As of 12-05-2024 I am still in the same status as my last notes that were inputted on 11-21-2024.	Jason Yates	12/5/2024 10:14 am
6. LOT ORIGINALLY ADDRESS AS 4393 S SEA MIST. LOT WAS SPLIT 11/22/24. NEW LOT IS NORTH OF ORIGINAL LOT. ADDRESS FOR NEW LOT (PARCEL #742601160020) WILL BE 4393 S SEA MIST. ADDRESS FOR ORIGINAL LOT CHANGED TO 4395 S SEA MIST.	Dorlisa Pogany	1/9/2025 9:00 am

City of New Smyrna Beach

Development Services Department

January 7, 2025

Emajin Operations, LLC
5224 W SR 46
Unit: Ste 243
Sanford, FL 32771

To whom it may concern:

The City of New Smyrna Beach Development Services Department has reviewed Code Compliance Violation Case Number CE-0715-2024 and has determined the property at 4393 S. Sea Mist Dr, now split into two lots (PIDs 742601160010 and 742601160020), to be in violation of the City's Land Development Regulations *Section 604.051. Tree preservation* of the City Code of Ordinances, which reads as follows:

A. In general—Tree removal. It is unlawful for any person to cut down, move, remove or destroy any tree in violation of the rules of this section. It is unlawful for any person to cut down, move, remove or destroy any tree without first obtaining a tree removal permit (if a permit is required) from the city's development services department. No permit to cut down, move, remove or destroy any tree (if a permit is required) shall be issued for any property unless the property owner has an active building permit or land clearing and water management permit. Fees to cut down, move, remove or destroy any tree shall be as established by resolution of the city commission. Removal of mangrove trees shall require a permit from the Florida Department of Environmental Protection (if a permit is required). West of the Indian River, this section shall apply to trees that are six inches or greater in diameter measuring four feet above ground level and trees with a multi-stem trunk system with a well developed crown at least 15 feet high as measured from its base shall be subject to the provisions of this section. East of the Indian River, this section shall apply to trees that are four inches or greater measured four feet above ground level. Trees smaller than the aforesaid trees (to wit: saplings) are specifically excluded and shall not be subject to the provisions of this section. The tree regulations for the city shall be generally in three groups: residential, commercial and industrial, and agriculture zoning classifications. The specific zoning classifications that are covered within each of these groups are set forth in each individual group.

Violations and Penalties outlined in *Section 604.051, Paragraph H.* of the City Land Development Regulations for unpermitted tree removal are as follows:

H. Violations and penalties. Any person, organization, society, association, or corporation or any agent or representative thereof, who shall violate the provisions of this section shall, upon a finding of violation by the code enforcement board, be required to replace all trees with trees chosen from the "Large and Medium Trees" section of the "New Smyrna Beach Tree List" provided as Exhibit A, necessary to provide the total cross-sectional area of the tree(s) removed, provided that no individual replacement tree shall have a diameter of less than six inches when measured four feet above ground level, a height of no less than 15 feet and a crownspread of not less than ten feet. The replacement of trees under this section shall not preclude the imposition of any other penalties provided by law or ordinance for the violation. Replacement trees shall be maintained and guaranteed survival for one year.

Corrective Action: Property owner/Contractor must replace unpermitted removal of tree based on the following calculations.

Replacement Calculation

38 total trees (Oaks & Palms) removed without a permit.

38 trees of varying DBH = 5,554 Cross-Sectional Inches (CSSI)

- 4" DBH Hardwood Replacement = 12.56 CSSI
- 5,554 CSSI (Removed) / 12.56 CSSI (Replacements) = **442.19 (4" Replacement Trees Total)**

Per calculations referenced in City Land Development Regulations, Section 604.051, necessary action to satisfy CE-0715-2024 shall be replacement with 442 hardwood trees that have a diameter of ***no more than*** six inches when measured four feet above ground level, a height of no less than 15 feet and a crownspread of not less than ten feet. These trees shall be planted on-site of violation at 4393 S Sea Mist Dr., New Smyrna Beach, Florida 32168, or donated to the City for use on public property.

Should you have any questions or concerns, please contact Channing Maiolo, Compliance Coordinator, at 386-410-2838 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Thank you for your prompt attention to this matter.

Sincerely,



M. Channing Maiolo
Compliance Coordinator
Development Services Department
mmaiolo@cityofnsb.com

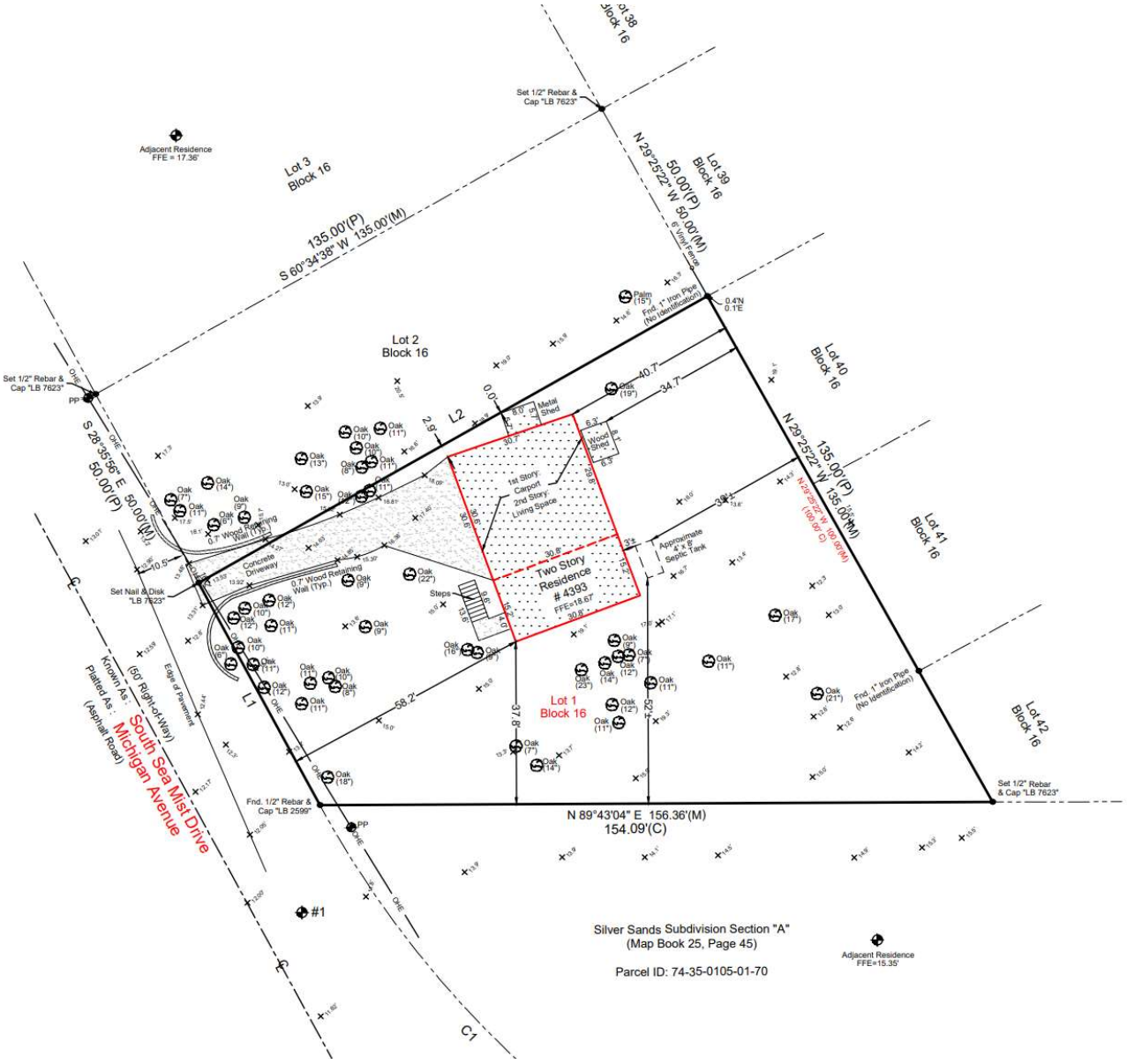
cc: Shane Corbin, Development Services Director
Stephanie Doster, Planning Manager
Barbara Bobelak, Code Compliance Supervisor
Jason Yates, Code Compliance Officer

Calculation of removed trees and required replacements:

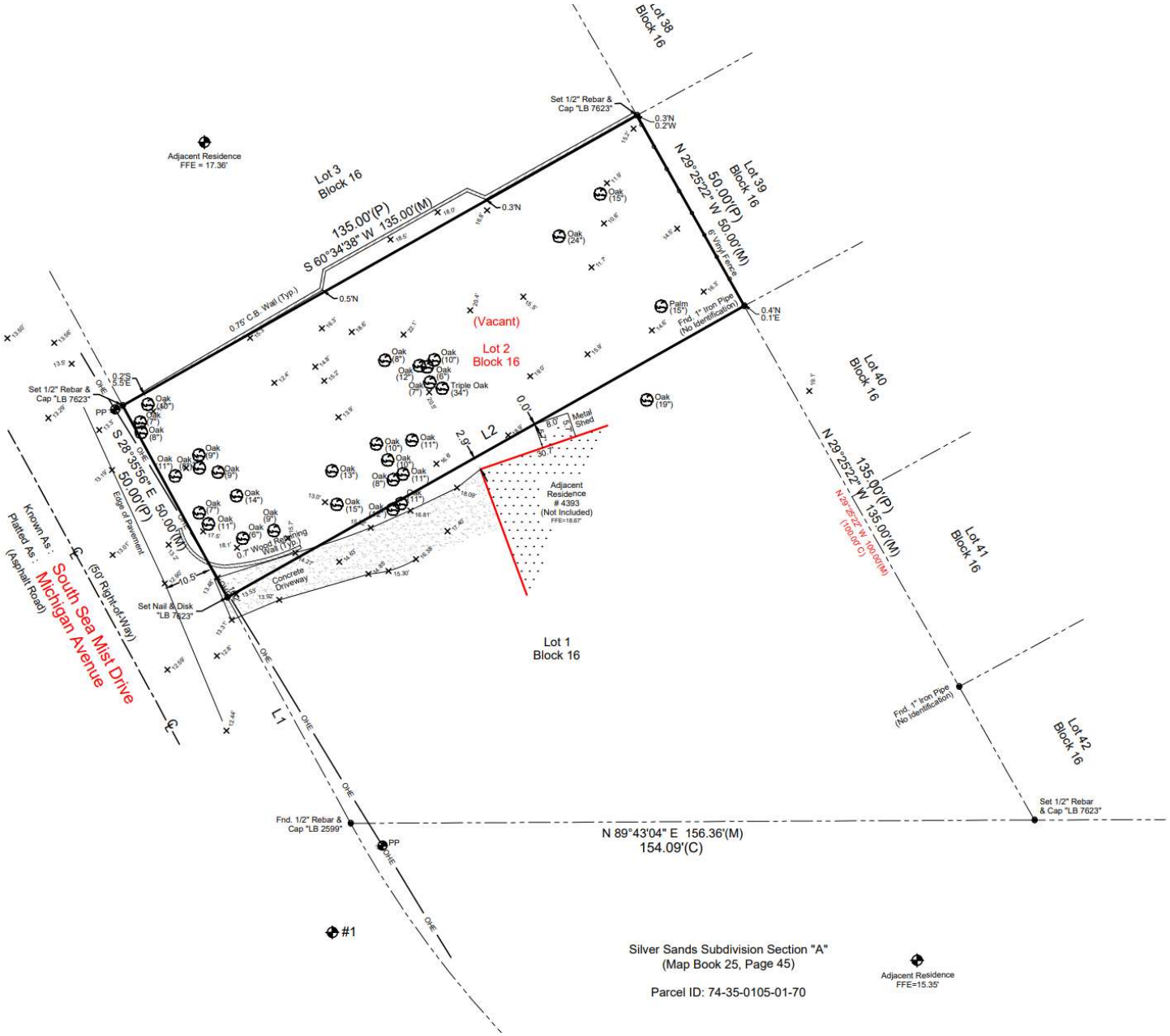
Lot #	PID	Species	Size (DBH)	CSSI Loss		100% CSSI Replace		4" Replacements
1	742601160010	Oak	6	28.26		28.26		2
1	742601160010	Oak	10	78.5		78.5		6
1	742601160010	Oak	8	50.24		50.24		4
1	742601160010	Oak	9	63.585		63.585		5
1	742601160010	Oak	9	63.585		63.585		5
1	742601160010	Oak	22	379.94		379.94		30
1	742601160010	Oak	16	200.96		200.96		16
1	742601160010	Oak	9	63.585		63.585		5
1	742601160010	Oak	19	283.385		283.385		23
1	742601160010	Oak	23	415.265		415.265		33
1	742601160010	Oak	14	153.86		153.86		12
1	742601160010	Oak	12	113.04		113.04		9
1	742601160010	Oak	9	63.585		63.585		5
1	742601160010	Oak	7	38.465		38.465		3
1	742601160010	Oak	12	113.04		113.04		9
1	742601160010	Oak	11	94.985		94.985		8
1	742601160010	Oak	11	94.985		94.985		8
1	742601160010	Oak	11	94.985		94.985		8
1	742601160010	Oak	12	113.04		113.04		9
1	742601160010	Oak	17	226.865		226.865		18
2	742601160020	Oak	6	28.26		28.26		2
2	742601160020	Oak	9	63.585		63.585		5
2	742601160020	Oak	13	132.665		132.665		11
2	742601160020	Oak	15	176.625		176.625		14
2	742601160020	Oak	10	78.5		78.5		6
2	742601160020	Oak	10	78.5		78.5		6
2	742601160020	Oak	8	50.24		50.24		4
2	742601160020	Oak	11	94.985		94.985		8
2	742601160020	Oak	11	94.985		94.985		8
2	742601160020	Oak	8	50.24		50.24		4
2	742601160020	Oak	12	113.04		113.04		9
2	742601160020	Oak	7	38.465		38.465		3
2	742601160020	Oak	6	28.26		28.26		2
2	742601160020	Oak	10	78.5		78.5		6
2	742601160020	Oak	34	907.46		907.46		72
2	742601160020	Oak	24	452.16		452.16		36
2	742601160020	Oak	15	176.625		176.625		14
2	742601160020	Palm	15	176.625		176.625		14
			471		Total	5554	Total	442

	DBH Replacement	CSSI	Replacement Total
Lots 1 & 2 Combined	4" DBH	12.56	**442**
Lot 1 (20 Trees Removed)	4" DBH	12.56	**218**
Lot 2 (18 Trees Removed)	4" DBH	12.56	**225**

Lot 1 (PID: 742601160010)



Lot 2 (PID: 742601160020)



City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0715-2024**

Case Type: **Code Enforcement**

Date Case Established: **10/08/2024**

Compliance Deadline: **03/17/2025**

Owner: EMAJIN OPERATIONS LLC TRUST C & S SEA MIST 4393 LAND TRUST 4-26-24 - TR

Mailing Address

EMAJIN OPERATIONS LLC TRUST C & S SEA MIST 4393 LAND TRUST 4-26-24 - TR
5224 W SR 46 STE 243
SANFORD, FL 32771

Notice of Violation for the following location:

Address 4393 S Sea Mist Drive, NSB

Parcel

742601160020

Violation: LDR 604.051. - Tree Preservation
A. In general — Tree removal. It is unlawful for any person to cut down, move, remove or destroy any tree in violation of the rules of this section. It is unlawful for any person to cut down, move, remove or destroy any tree without first obtaining a tree removal permit (if a permit is required) from the city's development services department. No permit to cut down, move, remove or destroy any tree (if a permit is required) shall be issued for any property, unless the property owner has an active building permit or land clearing and water management permit. Fees to cut down, move, remove, or destroy any tree shall be as established by resolution of the city commission. Removal of mangrove trees shall require a permit from the Florida Department of Environmental Protection (if a permit is required). West of the Indian River, this section shall apply to trees that are six inches or greater in diameter measuring four feet above ground level and trees with a multi-stem trunk system with a well-developed crown at least 15 feet high as measured from its base shall be subject to the provisions of this section. East of the Indian River, this section shall apply to trees that are four inches or greater measured four feet above ground level. Trees smaller than the aforesaid trees (to wit: saplings) are specifically excluded and shall not be subject to the provisions of this section. The tree regulations for the city shall be generally in three groups: residential, commercial, and industrial, and agriculture zoning classifications. The specific zoning classifications that are covered within each of these groups are set forth in each individual group.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0715-2024**
Case Type: **Code Enforcement**
Date Case Established: **10/08/2024**
Compliance Deadline: **03/17/2025**

Corrective Action: Please see additional paperwork.
Compliance Date: 03/17/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested; Receipt #: 9214 8901 9403 8396 7273 30
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com

1/15/25

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

EMAJIN OPERATIONS
LLC TRUST C & S SEA
MIST 4393 LAND TRUST
4-26-24 - TR
5224 W SR 46 STE 243
SANFORD, FL 32771

CASE NO. CE-0715-2024
4393 S SEA MIST DR
NEW SMYRNA BEACH, FL 32169
Parcel #742601160020

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **March 26, 2025, at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

EMAJIN OPERATIONS
LLC TRUST C & S SEA
MIST 4393 LAND TRUST
4-26-24 - TR
5224 W SR 46 STE 243
SANFORD, FL 32771

CASE NO. CE-0715-2024
4393 S SEA MIST DR
NEW SMYRNA BEACH, FL 32169
Parcel #742601160020

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested; Receipt #: 9214 8901 9403 8396 7273 30

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com
1/15/2025

Network:Jan 21, 2025 at 12:34:03 PM EST
Local:Jan 21, 2025 at 12:34:03 PM EST
N 28° 59' 35.073", W 80° 52' 18.331"
4380–4398 S Sea Mist Dr
New Smyrna Beach FL 32169
United States

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0715-2024**

Case Type: **Code Enforcement**

Date Case Established: **10/08/2024**

Compliance Deadline: **03/17/2025**

Owner: EMAJIN OPERATIONS LLC TRUST C & S SEA MIST 4393 LAND TRUST 4-26-24 - TR

Mailing Address

EMAJIN OPERATIONS LLC TRUST C & S SEA MIST 4393 LAND TRUST 4-26-24 - TR
5224 W SR 46 STE 243
SANFORD, FL 32771

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Address 4393 S Sea Mist Drive, NSB

Parcel

742601160020

Violation: LDR 604.051. - Tree Preservation
A. In general — Tree removal. It is unlawful for any person to cut down, move, remove or destroy any tree in violation of the rules of this section. It is unlawful for any person to cut down, move, remove or destroy any tree without first obtaining a tree removal permit (if a permit is required) from the city's development services department. No permit to cut down, move, remove or destroy any tree (if a permit is required) shall be issued for any property, unless the property owner has an active building permit or land clearing and water management permit. Fees to cut down, move, remove, or destroy any tree shall be as established by resolution of the city commission. Removal of mangrove trees shall require a permit from the Florida Department of Environmental Protection (if a permit is required). West of the Indian River, this section shall apply to trees that are six inches or greater in diameter measuring four feet above ground level and trees with a multi-stem trunk system with a well-developed crown at least 15 feet high as measured from its base shall be subject to the provisions of this section. East of the Indian River, this section shall apply to trees that are four inches or greater measured four feet above ground level. Trees smaller than the aforesaid trees (to wit: saplings) are specifically excluded and shall not be subject to the provisions of this section. The tree regulations for the city shall be generally in three groups: residential, commercial, and industrial, and agriculture zoning classifications. The specific zoning classifications that are covered within each of these groups are set forth in each individual group.

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0715-2024**
Case Type: **Code Enforcement**
Date Case Established: **10/08/2024**
Compliance Deadline: **03/17/2025**

Corrective Action: Please see additional paperwork.
Compliance Date: 03/17/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

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(✓) Certified Mail, Return Receipt Requested; Receipt #:9214 8901 9403 8304 0747 85
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com

3/7/25

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

EMAJIN OPERATIONS
LLC TRUST C & S SEA
MIST 4393 LAND TRUST
4-26-24 - TR
5224 W SR 46 STE 243
SANFORD, FL 32771

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4393 S SEA MIST DR
NEW SMYRNA BEACH, FL 32169
Parcel #742601160020

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SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

EMAJIN OPERATIONS
LLC TRUST C & S SEA
MIST 4393 LAND TRUST
4-26-24 - TR
5224 W SR 46 STE 243
SANFORD, FL 32771

CASE NO. CE-0715-2024
4393 S SEA MIST DR
NEW SMYRNA BEACH, FL 32169
Parcel #742601160020

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(✓) Certified Mail, Return Receipt Requested; Receipt #:9214 8901 9403 8304 0747 85

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com
3/7/2025

Network:Oct 7, 2024 at 10:29:04 AM EDT
Local:Oct 7, 2024 at 10:29:04 AM EDT
N 28° 59' 35.497", W 80° 52' 18.147"
4399 S Sea Mist Dr
New Smyrna Beach FL 32169
United States

STOP WORK NOTICE

City of New Smyrna Beach
OFFICE OF BUILDING & INSPECTIONS
410-2860

DO NOT REMOVE THIS NOTICE

This site has been inspected and is not approved

- ☐ No Permit
- ☐ General Construction
- ☑ Land Clearing
- ☐ Stormwater Management
- ☐ Importing Fill
- ☑ Tree Removal
- ☐ Unlicensed Contractor
- ☐ Other

4393 S. Sea Mist — LOCATION
Channing Maiolo — INSPECTOR
10/7/2024 — DATE

DETACH and BRING THIS PORTION OF CARD WITH YOU
TO THE BUILDING & INSPECTIONS OFFICE ~~2650 N. DIXIE FREEWAY~~ 214 Sams Ave.

Location 4393 S. Sea Mist

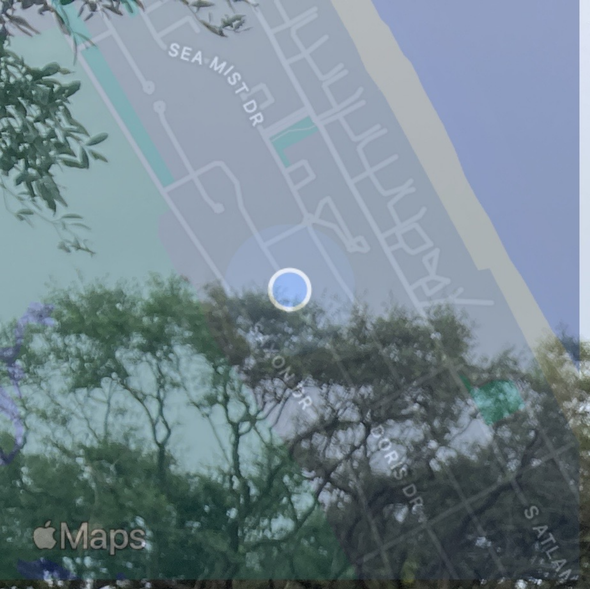
Date 10/7/2024

Comments Land clearing on Demo Permit

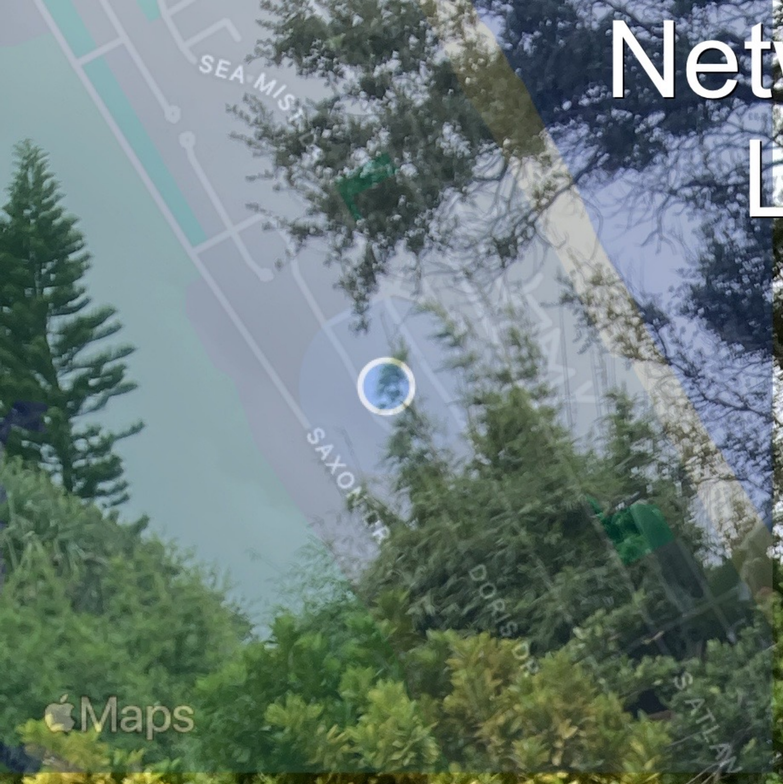
Channing Maiolo
INSPECTOR
(PHONE) 410-2860

DEV 12/07

Network:Oct 7, 2024 at 10:28:37 AM EDT
Local:Oct 7, 2024 at 10:28:36 AM EDT
N 28° 59' 35.497", W 80° 52' 18.147"
4399 S Sea Mist Dr
New Smyrna Beach FL 32169
United States



Network:Oct 7, 2024 at 10:31:13 AM EDT
Local:Oct 7, 2024 at 10:31:13 AM EDT
N 28° 59' 35.826", W 80° 52' 17.018"
4393 S Sea Mist Dr
New Smyrna Beach FL 32169
United States



Network:Oct 7, 2024 at 12:03:54 PM EDT
Local:Oct 7, 2024 at 12:03:54 PM EDT
N 28° 59' 35.938", W 80° 52' 17.397"
4393 S Sea Mist Dr
New Smyrna Beach FL 32169
United States

Network:Oct 8, 2024 at 11:45:24 AM EDT
Local:Oct 8, 2024 at 11:45:24 AM EDT
N 28° 59' 35.427", W 80° 52' 18.421"
4399 S Sea Mist Dr
New Smyrna Beach FL 32169
United States

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0016-2025- 4395 S. SEA MIST DR.; OWNER: EMAJIN OPERATIONS LLC TRUST C & S. SEA MIST 4393 LAND TRUST 4-26-24-TR; OFFICER: JASON YATES

March 26, 2025

Background:

Violation of City Code Sec. LDR 604.051. - Tree Preservation

Compliance Date: March 17, 2025

Method of Service: Property posted January 21, 2025; Certified mail sent January 15, 2025 and resent March 7, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0016-2025 4395 S. Sea Mist Dr.pdf

CODE CASE DETAILED REPORT CE-0016-2025
FOR CITY OF NEW SMYRNA BEACH

Case Type: Code Enforcement
Status: In Progress
Assigned To: Jason Yates

Project:
District: New Smyrna Beach
Description: House on the property was demolished (with a permit) surrounding trees and land clearing was NOT permitted.

Opened Date: 01/09/2025
Closed Date: NOT CLOSED

Parcel:	**Address:**	**Zone:**
742601160010 Main	4395 S Sea Mist Dr Main New Smyrna Beach, FL 32169	R-1 (SINGLE FAMILY RESIDENTIAL)

Owner

Emajin Operations Llc Trust C & S Sea Mist 4393 Land Trust 4-26-24 - Tr

5224 W Sr 46, STE 243
Sanford, FL 32771

Contractor

Clarkson Concepts Inc
Gregory Clarkson

2843 Northwood Blvd
Winter Park, FL 32789

Home: (407) 929-0755

Mobile: (407) 929-0755

Violation Code: LDR 604.051.
Code Description: Tree Preservation
Corrective Action: Please see additional paperwork.

Violation Status: In Violation

Citation Issue Date: 01/09/2025
Compliance Date: 03/17/2025
Resolved Date:

City of New Smyrna Beach

Development Services Department

January 7, 2025

Emajin Operations, LLC
5224 W SR 46
Unit: Ste 243
Sanford, FL 32771

To whom it may concern:

The City of New Smyrna Beach Development Services Department has reviewed Code Compliance Violation Case Number CE-0715-2024 and has determined the property at 4393 S. Sea Mist Dr, now split into two lots (PIDs 742601160010 and 742601160020), to be in violation of the City's Land Development Regulations *Section 604.051. Tree preservation* of the City Code of Ordinances, which reads as follows:

A. In general—Tree removal. It is unlawful for any person to cut down, move, remove or destroy any tree in violation of the rules of this section. It is unlawful for any person to cut down, move, remove or destroy any tree without first obtaining a tree removal permit (if a permit is required) from the city's development services department. No permit to cut down, move, remove or destroy any tree (if a permit is required) shall be issued for any property unless the property owner has an active building permit or land clearing and water management permit. Fees to cut down, move, remove or destroy any tree shall be as established by resolution of the city commission. Removal of mangrove trees shall require a permit from the Florida Department of Environmental Protection (if a permit is required). West of the Indian River, this section shall apply to trees that are six inches or greater in diameter measuring four feet above ground level and trees with a multi-stem trunk system with a well developed crown at least 15 feet high as measured from its base shall be subject to the provisions of this section. East of the Indian River, this section shall apply to trees that are four inches or greater measured four feet above ground level. Trees smaller than the aforesaid trees (to wit: saplings) are specifically excluded and shall not be subject to the provisions of this section. The tree regulations for the city shall be generally in three groups: residential, commercial and industrial, and agriculture zoning classifications. The specific zoning classifications that are covered within each of these groups are set forth in each individual group.

Violations and Penalties outlined in *Section 604.051, Paragraph H.* of the City Land Development Regulations for unpermitted tree removal are as follows:

H. Violations and penalties. Any person, organization, society, association, or corporation or any agent or representative thereof, who shall violate the provisions of this section shall, upon a finding of violation by the code enforcement board, be required to replace all trees with trees chosen from the "Large and Medium Trees" section of the "New Smyrna Beach Tree List" provided as Exhibit A, necessary to provide the total cross-sectional area of the tree(s) removed, provided that no individual replacement tree shall have a diameter of less than six inches when measured four feet above ground level, a height of no less than 15 feet and a crownspread of not less than ten feet. The replacement of trees under this section shall not preclude the imposition of any other penalties provided by law or ordinance for the violation. Replacement trees shall be maintained and guaranteed survival for one year.

Corrective Action: Property owner/Contractor must replace unpermitted removal of tree based on the following calculations.

Replacement Calculation

38 total trees (Oaks & Palms) removed without a permit.

38 trees of varying DBH = 5,554 Cross-Sectional Inches (CSSI)

- 4" DBH Hardwood Replacement = 12.56 CSSI
- 5,554 CSSI (Removed) / 12.56 CSSI (Replacements) = **442.19 (4" Replacement Trees Total)**

Per calculations referenced in City Land Development Regulations, Section 604.051, necessary action to satisfy CE-0715-2024 shall be replacement with 442 hardwood trees that have a diameter of ***no more than*** six inches when measured four feet above ground level, a height of no less than 15 feet and a crownspread of not less than ten feet. These trees shall be planted on-site of violation at 4393 S Sea Mist Dr., New Smyrna Beach, Florida 32168, or donated to the City for use on public property.

Should you have any questions or concerns, please contact Channing Maiolo, Compliance Coordinator, at 386-410-2838 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Thank you for your prompt attention to this matter.

Sincerely,



M. Channing Maiolo
Compliance Coordinator
Development Services Department
mmaiolo@cityofnsb.com

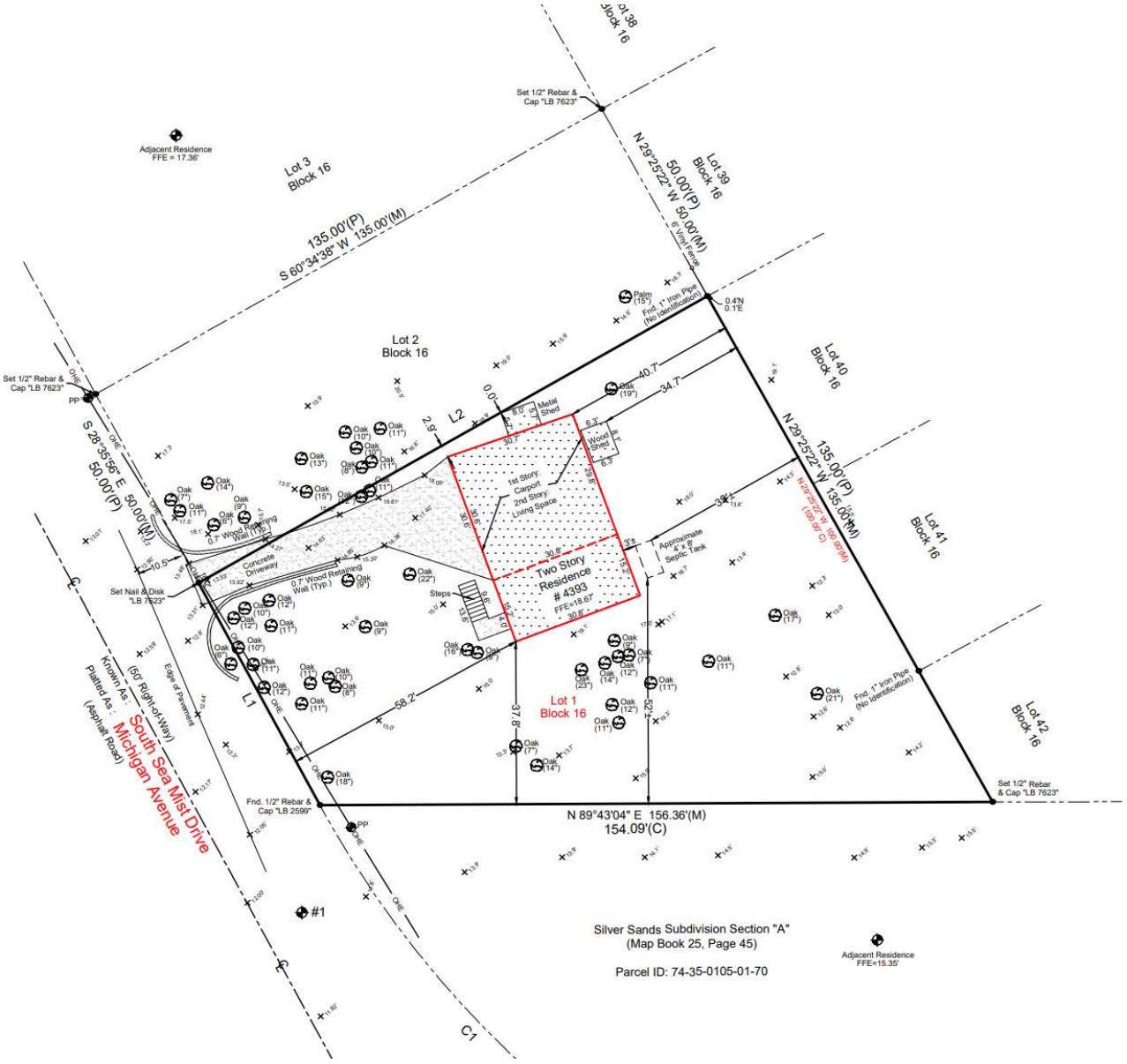
cc: Shane Corbin, Development Services Director
Stephanie Doster, Planning Manager
Barbara Bobelak, Code Compliance Supervisor
Jason Yates, Code Compliance Officer

Calculation of removed trees and required replacements:

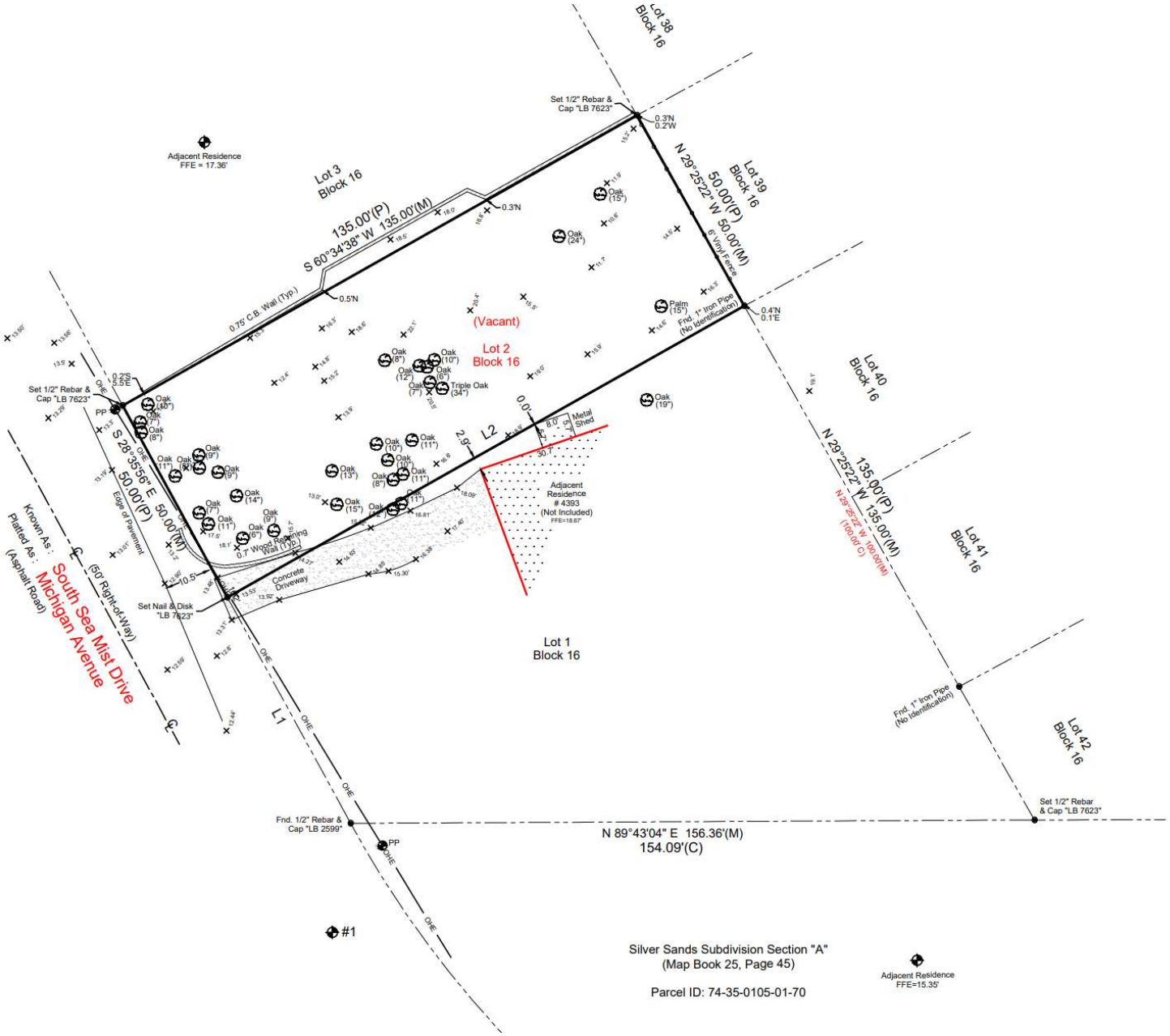
Lot #	PID	Species	Size (DBH)	CSSI Loss		100% CSSI Replace		4" Replacements
1	742601160010	Oak	6	28.26		28.26		2
1	742601160010	Oak	10	78.5		78.5		6
1	742601160010	Oak	8	50.24		50.24		4
1	742601160010	Oak	9	63.585		63.585		5
1	742601160010	Oak	9	63.585		63.585		5
1	742601160010	Oak	22	379.94		379.94		30
1	742601160010	Oak	16	200.96		200.96		16
1	742601160010	Oak	9	63.585		63.585		5
1	742601160010	Oak	19	283.385		283.385		23
1	742601160010	Oak	23	415.265		415.265		33
1	742601160010	Oak	14	153.86		153.86		12
1	742601160010	Oak	12	113.04		113.04		9
1	742601160010	Oak	9	63.585		63.585		5
1	742601160010	Oak	7	38.465		38.465		3
1	742601160010	Oak	12	113.04		113.04		9
1	742601160010	Oak	11	94.985		94.985		8
1	742601160010	Oak	11	94.985		94.985		8
1	742601160010	Oak	11	94.985		94.985		8
1	742601160010	Oak	12	113.04		113.04		9
1	742601160010	Oak	17	226.865		226.865		18
2	742601160020	Oak	6	28.26		28.26		2
2	742601160020	Oak	9	63.585		63.585		5
2	742601160020	Oak	13	132.665		132.665		11
2	742601160020	Oak	15	176.625		176.625		14
2	742601160020	Oak	10	78.5		78.5		6
2	742601160020	Oak	10	78.5		78.5		6
2	742601160020	Oak	8	50.24		50.24		4
2	742601160020	Oak	11	94.985		94.985		8
2	742601160020	Oak	11	94.985		94.985		8
2	742601160020	Oak	8	50.24		50.24		4
2	742601160020	Oak	12	113.04		113.04		9
2	742601160020	Oak	7	38.465		38.465		3
2	742601160020	Oak	6	28.26		28.26		2
2	742601160020	Oak	10	78.5		78.5		6
2	742601160020	Oak	34	907.46		907.46		72
2	742601160020	Oak	24	452.16		452.16		36
2	742601160020	Oak	15	176.625		176.625		14
2	742601160020	Palm	15	176.625		176.625		14
			471		Total	5554	Total	442

	DBH Replacement	CSSI	Replacement Total
Lots 1 & 2 Combined	4" DBH	12.56	**442**
Lot 1 (20 Trees Removed)	4" DBH	12.56	**218**
Lot 2 (18 Trees Removed)	4" DBH	12.56	**225**

Lot 1 (PID: 742601160010)



Lot 2 (PID: 742601160020)



Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3825934 **Parcel ID: 742601160010**
EMAJIN OPERATIONS LLC TR **4395 S SEA MIST DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	3825934
Parcel ID:	742601160010
Township-Range-Section:	17 - 34 - 26
Subdivision-Block-Lot:	01 - 16 - 0010
Owner(s):	EMAJIN OPERATIONS LLC TR - TR - Trust - 100% S SEA MIST 4393 LAND TRUST 4-26-24 - TR - Trust - 100%
Mailing Address On File:	5224 W SR 46 STE 243 SANFORD FL 32771 9230
Physical Address:	4395 S SEA MIST DR, NEW SMYRNA BEACH 32169
Property Use:	0000 - VACANT RES
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	4866
Subdivision Name:	ATLANTIC HEIGHTS MB 11 PG 134
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$274,400	$274,400	$0	$274,400	1.5000	$411.60
0012	DISCRETIONARY	$274,400	$274,400	$0	$274,400	0.7480	$205.25
0011	REQ LOCAL EFFORT	$274,400	$274,400	$0	$274,400	3.0370	$833.35
0050	GENERAL FUND	$274,400	$274,400	$0	$274,400	3.2007	$878.27
0053	LAW ENFORCEMENT FUND	$274,400	$274,400	$0	$274,400	1.5994	$438.88
0055	LIBRARY	$274,400	$274,400	$0	$274,400	0.3891	$106.77
0520	MOSQUITO CONTROL	$274,400	$274,400	$0	$274,400	0.1647	$45.19
0530	PONCE INLET PORT AUTHORITY	$274,400	$274,400	$0	$274,400	0.0692	$18.99
0058	VOLUSIA ECHO	$274,400	$274,400	$0	$274,400	0.2000	$54.88
0057	VOLUSIA FOREVER	$274,400	$274,400	$0	$274,400	0.2000	$54.88
0065	FLORIDA INLAND NAVIGATION DISTRICT	$274,400	$274,400	$0	$274,400	0.0288	$7.90
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$274,400	$274,400	$0	$274,400	0.7506	$205.96
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$274,400	$274,400	$0	$274,400	0.1793	$49.20
0271	NEW SMYRNA BCH I&S 2005	$274,400	$274,400	$0	$274,400	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$274,400	$274,400	$0	$274,400	0.0895	$24.56
0270	NEW SMYRNA BEACH	$274,400	$274,400	$0	$274,400	4.6370	$1,272.39
						16.7933	$4,608.08

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	1	$104.00	$52.00
			$52.00

Estimated Ad Valorem Tax:	$4,608.08
Estimated Non-Ad Valorem Tax:	$52.00
Estimated Taxes:	**$4,660.08**
Estimated Tax Amount without SOH:	$4,660.08

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$330,400	$212,877	$543,277	$543,277	$0	$543,277	$0
2023	$330,400	$208,708	$539,108	$184,109	$100,000	$84,109	$354,999
2022	$203,550	$184,899	$388,449	$178,747	$100,000	$78,747	$209,702
2021	$141,010	$173,198	$314,208	$173,541	$100,000	$73,541	$140,667
2020	$109,740	$184,934	$294,674	$171,145	$100,000	$71,145	$123,529
2019	$109,740	$181,524	$291,264	$167,297	$100,000	$67,297	$123,967
2018	$109,740	$144,669	$254,409	$164,178	$100,000	$64,178	$90,231
2017	$109,740	$110,574	$220,314	$160,801	$50,000	$110,801	$59,513
2016	$106,200	$103,098	$209,298	$157,494	$50,000	$107,494	$51,804

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

26-17-34 LOT 1 BLK 16 ATLANTIC HEIGHTS SUB MB 6 PG 171 MB 11 PG 134 PER OR 1991 PG 0210 PER OR 8473 PG 0256 PER OR 8552 PG 2685

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0016-2025**

Case Type: **Code Enforcement**

Date Case Established: **01/09/2025**

Compliance Deadline: **03/17/2025**

Owner: EMAJIN OPERATIONS LLC TRUST C & S SEA MIST 4393 LAND TRUST 4-26-24 - TR

Mailing Address

EMAJIN OPERATIONS LLC TRUST C & S SEA MIST 4393 LAND TRUST 4-26-24 - TR
5224 W SR 46 STE 243
SANFORD, FL 32771

Notice of Violation for the following location:

Address	Parcel
4395 S SEA MIST DR NEW SMYRNA BEACH, FL 32169	**742601160010**

Violation: LDR 604.051. - Tree Preservation
A. In general — Tree removal. It is unlawful for any person to cut down, move, remove or destroy any tree in violation of the rules of this section. It is unlawful for any person to cut down, move, remove, or destroy any tree without first obtaining a tree removal permit (if a permit is required) from the city's development services department. No permit to cut down, move, remove or destroy any tree (if a permit is required) shall be issued for any property unless the property owner has an active building permit or land clearing and water management permit. Fees to cut down, move, remove, or destroy any tree shall be as established by resolution of the city commission. Removal of mangrove trees shall require a permit from the Florida Department of Environmental Protection (if a permit is required). West of the Indian River, this section shall apply to trees that are six inches or greater in diameter measuring four feet above ground level and trees with a multi-stem trunk system with a well-developed crown at least 15 feet high as measured from its base shall be subject to the provisions of this section. East of the Indian River, this section shall apply to trees that are four inches or greater measured four feet above ground level. Trees smaller than the aforesaid trees (to wit: saplings) are specifically excluded and shall not be subject to the provisions of this section. The tree regulations for the city shall be generally in three groups: residential, commercial, and industrial, and agriculture zoning classifications. The specific zoning classifications that are covered within each of these groups are set forth in each individual group.

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32168
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Violation Notice

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Case Type: **Code Enforcement**
Date Case Established: **01/09/2025**
Compliance Deadline: **03/17/2025**

Corrective Action: Please see additional paperwork.
Compliance Date: 03/17/2025

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested, Receipt #-9214 8901 9403 8396 7273 30
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com

1/15/25

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

EMAJIN OPERATIONS
LLC TRUST C & S SEA
MIST 4393 LAND TRUST
4-26-24 - TR
5224 W SR 46 STE 243
SANFORD, FL 32771

CASE NO. CE-0016-2025
4395 S SEA MIST DR
NEW SMYRNA BEACH, FL 32169
Parcel #742601160010

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **March 26, 2025, at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

EMAJIN OPERATIONS
LLC TRUST C & S SEA
MIST 4393 LAND TRUST
4-26-24 - TR
5224 W SR 46 STE 243
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CASE NO. CE-0016-2025
4395 S SEA MIST DR
NEW SMYRNA BEACH, FL 32169
Parcel #742601160010

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested-Receipt-# 9214 8901 9403 8396 7273 30

(✓) Post

( ) Hand Delivery

Teresa Merck
Administrative Specialist

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com
1/15/2025

Network:Jan 21, 2025 at 12:34:03 PM EST
Local:Jan 21, 2025 at 12:34:03 PM EST
N 28° 59' 35.073", W 80° 52' 18.331"
4380–4398 S Sea Mist Dr
New Smyrna Beach FL 32169
United States

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

EMAJIN OPERATIONS
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THE CITY OF NEW SMYRNA BEACH

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Teresa Merck
Administrative Specialist

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com
3/7/2025

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL 32168
386-410-2870

Violation Notice

Case Number: **CE-0016-2025**
Case Type: **Code Enforcement**
Date Case Established: **01/09/2025**
Compliance Deadline: **03/17/2025**

Owner: EMAJIN OPERATIONS LLC TRUST C & S SEA MIST 4393 LAND TRUST 4-26-24 - TR

Mailing Address

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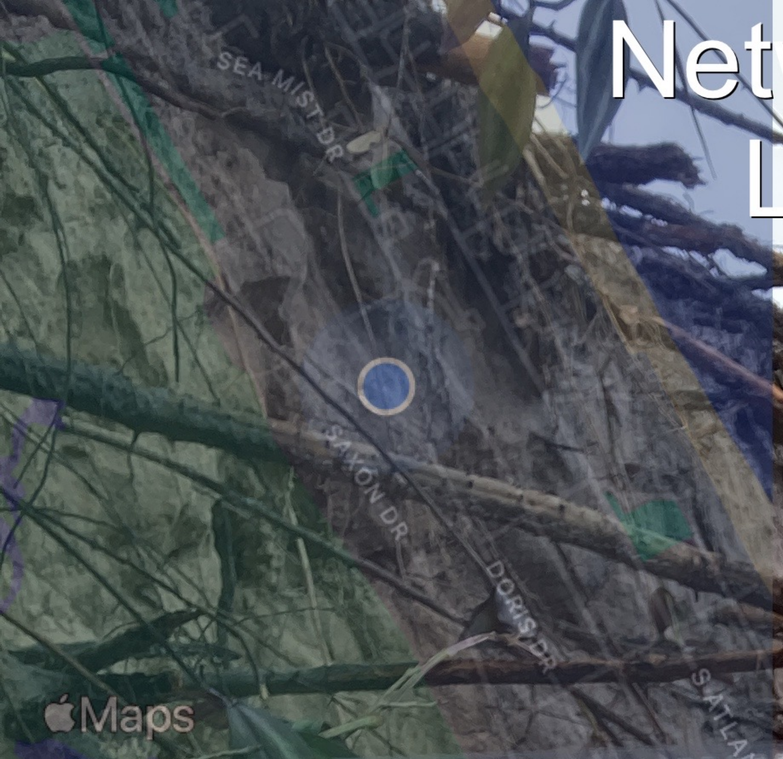
(✓) Certified Mail, Return Receipt Requested, Receipt #9214 8901 9403 8304 0747 85
(✓) Post
( ) Hand Delivery

Sincerely,

Teresa Merck
Administrative Specialist

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com

3/7/25



Network:Oct 7, 2024 at 10:29:04 AM EDT
Local:Oct 7, 2024 at 10:29:04 AM EDT
N 28° 59' 35.497", W 80° 52' 18.147"
4399 S Sea Mist Dr
New Smyrna Beach FL 32169
United States

STOP WORK NOTICE

City of New Smyrna Beach
OFFICE OF BUILDING & INSPECTIONS
410-2860

DO NOT REMOVE THIS NOTICE

This site has been inspected and is not approved

- ☐ No Permit
- ☐ General Construction
- ☑ Land Clearing
- ☐ Stormwater Management
- ☐ Importing Fill
- ☑ Tree Removal
- ☐ Unlicensed Contractor
- ☐ Other

4393 S. Sea Mist — LOCATION
Channing Maiolo — INSPECTOR
10/7/2024 — DATE

DETACH and BRING THIS PORTION OF CARD WITH YOU
TO THE BUILDING & INSPECTIONS OFFICE ~~2650 N. DIXIE FREEWAY~~ 214 Sams Ave.

Location 4393 S. Sea Mist

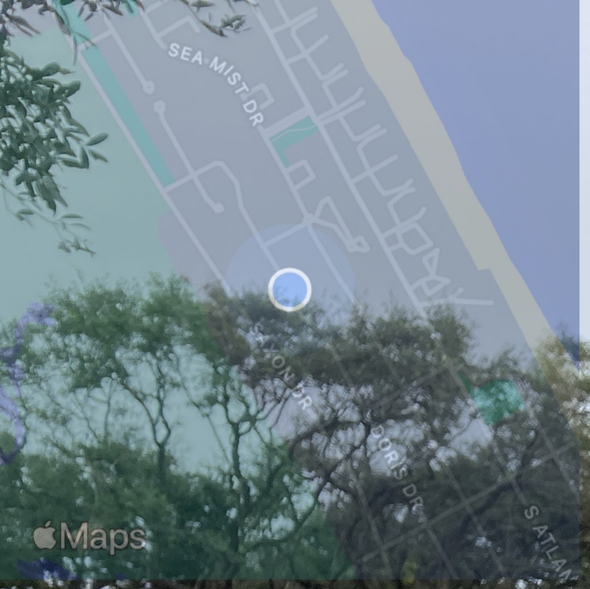
Date 10/7/2024

Comments Land clearing on Demo Permit

Channing Maiolo
INSPECTOR
(PHONE) 410-2860

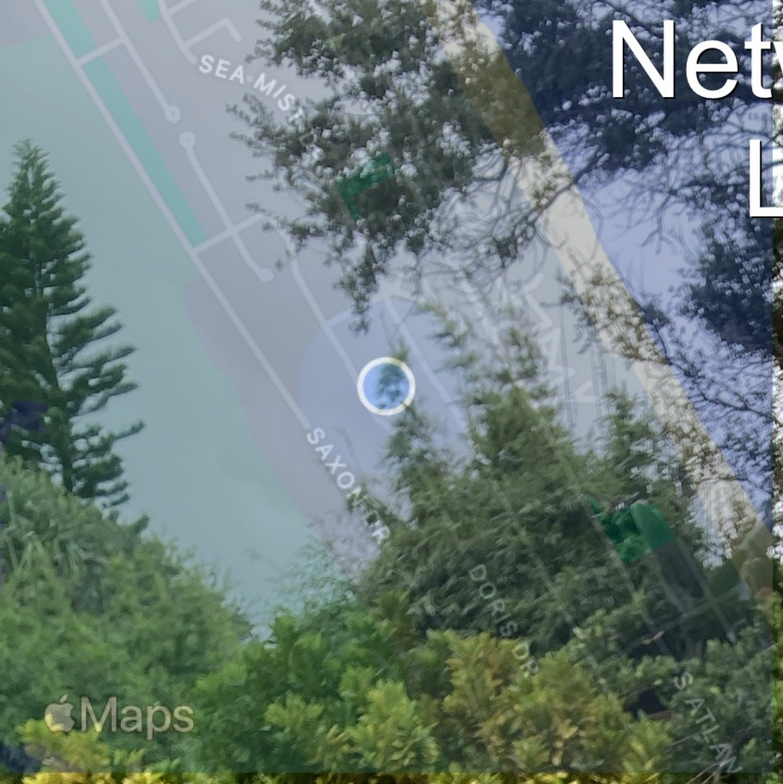
DEV 12/07

Network:Oct 7, 2024 at 10:28:37 AM EDT
Local:Oct 7, 2024 at 10:28:36 AM EDT
N 28° 59' 35.497", W 80° 52' 18.147"
4399 S Sea Mist Dr
New Smyrna Beach FL 32169
United States



Network:Oct 7, 2024 at 10:31:13 AM EDT
Local:Oct 7, 2024 at 10:31:13 AM EDT
N 28° 59' 35.826", W 80° 52' 17.018"
4393 S Sea Mist Dr
New Smyrna Beach FL 32169
United States

Network:Oct 7, 2024 at 12:03:54 PM EDT
Local:Oct 7, 2024 at 12:03:54 PM EDT
N 28° 59' 35.938", W 80° 52' 17.397"
4393 S Sea Mist Dr
New Smyrna Beach FL 32169
United States



THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0843-2024- 400 N. RIVERSIDE DR; OWNER: BRYAN AND LISA MARIE WOOD AND/OR ENTITY; OFFICER: JOHN PARKS

March 26, 2025

Background:

Violation of City Code Sec. 26-171. (a) - Permits Required; Sec. 74-146. - Local Business Tax Imposed

Compliance Date: January 31, 2025

Method of Service: Property posted January 3, 2025; Certified mail signed for on January 15, 2025.

Fiscal Analysis:
None

Strategic Plan Item:
No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0843-2024 400 N Riverside.pdf

CE-0843-2024 400 N Riverside Dr
CODE CASE DETAILED REPORT FOR CITY OF NEW SMYRNA BEACH

Case Type:	Code Enforcement	**Project:**		**Opened Date:**	11/26/2024
Status:	In Progress	**District:**	New Smyrna Beach	**Closed Date:**	NOT CLOSED
Assigned To:	John Parks	**Description:**	For ent signage with no BTR		

Parcel: 744130010011 Main	**Address:** 400 N Riverside Dr Main New Smyrna Beach, FL 32168	**Zone:** R-3A (SINGLE FAMILY DETACHED & ATTACHED RESIDENTIAL*) R-1 (SINGLE FAMILY RESIDENTIAL)

Owner

Bryan Wood

400 N Riverside Dr
New Smyrna Beach, FL 32168

Note	Created By	Date and Time Created
1. On 11/26/24, I observed signage stating the property was for rent. A check of the BTR system found no BTR. Photos were taken and placed in the file.	John Parks	11/26/2024 2:25 pm

BACK TO ALL RECORD TYPES
Permits - About 6 results

ELER-0213-2021 • Electrical (Residential)

Location	Project	Apply Date	Work Class	Permit Status
400 N RIVERSIDE DR NEW SMYRNA BEACH, FL 32168		06/15/2021	Generator	Expired

JP BDSR-00085-2022 • Dock & Seawalls (Residential) • Jonah Powers

Location	Project	Apply Date	Work Class	Permit Status
400 N RIVERSIDE DR NEW SMYRNA BEACH, FL 32168		04/13/2022	Docks	Complete

GASR-0123-2021 • Gas (Residential)

Location	Project	Apply Date	Work Class	Permit Status
400 N RIVERSIDE DR NEW SMYRNA BEACH, FL 32168		08/19/2021	Gas Lines	Expired

CJ BLDR-00844-2023 • Building (Residential) • Caitlin Jaramillo

Location	Project	Apply Date	Work Class	Permit Status
400 N RIVERSIDE DR NEW SMYRNA BEACH, FL 32168		03/21/2023	Fence-Residential	Expired

GASR-0144-2021 • Gas (Residential)

Location	Project	Apply Date	Work Class	Permit Status
400 N RIVERSIDE DR NEW SMYRNA BEACH, FL 32168		09/30/2021	Gas Lines	Void

BDSR-0027-2021 • Dock & Seawalls (Residential)

Location	Project	Apply Date	Work Class	Permit Status
400 N RIVERSIDE DR NEW SMYRNA BEACH, FL 32168		05/05/2021	Docks	Complete

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 5046214 **Parcel ID: 744130010011**
WOOD BRYAN CHRISTOPHER **400 N RIVERSIDE DR, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	5046214
Parcel ID:	744130010011
Township-Range-Section:	17 - 34 - 41
Subdivision-Block-Lot:	30 - 01 - 0011
Owner(s):	WOOD BRYAN CHRISTOPHER - TE - Tenancy in the Entirety - 100% WOOD LISA MARIE - TE - Tenancy in the Entirety - 100%
Mailing Address On File:	400 N RIVERSIDE DR NEW SMYRNA BEACH FL 32168
Physical Address:	400 N RIVERSIDE DR, NEW SMYRNA BEACH 32168
Property Use:	0100 - SINGLE FAMILY
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	4620
Subdivision Name:	
Homestead Property:	Yes

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$1,390,566	$914,645	$25,000	$889,645	1.5000	$1,334.47
0012	DISCRETIONARY	$1,390,566	$914,645	$25,000	$889,645	0.7480	$665.45
0011	REQ LOCAL EFFORT	$1,390,566	$914,645	$25,000	$889,645	3.0370	$2,701.85
0050	GENERAL FUND	$1,390,566	$914,645	$50,000	$864,645	3.2007	$2,767.47
0053	LAW ENFORCEMENT FUND	$1,390,566	$914,645	$50,000	$864,645	1.5994	$1,382.91
0055	LIBRARY	$1,390,566	$914,645	$50,000	$864,645	0.3891	$336.43
0520	MOSQUITO CONTROL	$1,390,566	$914,645	$50,000	$864,645	0.1647	$142.41
0530	PONCE INLET PORT AUTHORITY	$1,390,566	$914,645	$50,000	$864,645	0.0692	$59.83
0058	VOLUSIA ECHO	$1,390,566	$914,645	$50,000	$864,645	0.2000	$172.93
0057	VOLUSIA FOREVER	$1,390,566	$914,645	$50,000	$864,645	0.2000	$172.93
0065	FLORIDA INLAND NAVIGATION DISTRICT	$1,390,566	$914,645	$50,000	$864,645	0.0288	$24.90
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$1,390,566	$914,645	$50,000	$864,645	0.7506	$649.00
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$1,390,566	$914,645	$50,000	$864,645	0.1793	$155.03
0271	NEW SMYRNA BCH I&S 2005	$1,390,566	$914,645	$50,000	$864,645	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$1,390,566	$914,645	$50,000	$864,645	0.0895	$77.39
0270	NEW SMYRNA BEACH	$1,390,566	$914,645	$50,000	$864,645	4.6370	$4,009.36
						16.7933	$14,652.37

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	1	$104.00	$104.00
			$104.00

Estimated Ad Valorem Tax:	$14,652.37
Estimated Non-Ad Valorem Tax:	$104.00
Estimated Taxes:	**$14,756.37**
Estimated Tax Amount without SOH:	$23,456.19

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$902,922	$487,644	$1,390,566	$914,645	$50,000	$864,645	$475,921
2023	$793,403	$477,608	$1,271,011	$888,005	$50,000	$838,005	$383,006
2022	$360,195	$581,589	$941,784	$858,054	$50,000	$808,054	$83,730
2021	$360,195	$469,491	$829,686	$829,686	$50,000	$779,686	$0
2020	$360,195	$387,579	$747,774	$584,340	$50,000	$534,340	$163,434
2019	$403,029	$326,370	$729,399	$571,202	$50,000	$521,202	$158,197
2018	$403,029	$261,738	$664,767	$560,552	$50,000	$510,552	$104,215
2017	$350,460	$200,779	$551,016	$548,789	$50,000	$498,789	$2,227
2016	$350,237	$187,264	$537,501	$537,501	$50,000	$487,501	$0

Recent Neighborhood Sales

Alt Key	Address	City	Property Class	NBHD	Sale Date	Sale Price
3871081	622 N RIVERSIDE DR	NEW SMYRNA BEACH	0000-VACANT RES	4620	01/31/2024	$975,000

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

IRREG PARCEL IN S 102.83 FT AS MEAS ON E/L & OF S 99.7 FT AS MEAS ON W/L OF E 293.89 FT AS MEAS ON S/L OF LOT 1 BLK 1 DOUGHERTYS NEW SMYRNA DB L PG 538 MB 12 PGS 125-126 PER OR 3332 PG 1616 & OR 3461 PG 1539 PER OR 3895 PG 3658 PER OR 5740 PG 559 PER OR 5893 PG 0472 PER OR 6058 PG 3048 PER OR 6934 PG 0422 PER OR 7124 PG 0535 PER OR 7967 PG 3101

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0843-2024**

Case Type: **Code Enforcement**

Date Case Established: **11/26/2024**

Compliance Deadline: **01/31/2025**

Owner: BRYAN CHRISTOPHER & LISA MARIE WOOD

Mailing Address

BRYAN & LISA MARIE WOOD
400 N RIVERSIDE DR
NEW SMYRNA BEACH, FL 32168

Notice of Violation for the following location:

Address	Parcel
400 N RIVERSIDE DR NEW SMYRNA BEACH, FL 32168	**744130010011**

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.
Corrective Action: Resolve expired permits ELER-0213-2021, GASR-0123-2021, and BLDR-00844-2023
Compliance Date: 01/31/2025

Violation: Sec. 74-146. - Local Business Tax Imposed
There is imposed upon each and every business, profession and occupation having an effective place of business within the city a local business tax and upon each person owning, managing or engaging in any business, profession or occupation according to the schedule of taxes contained in this article; however, the tax imposed upon professions in this article shall be construed to mean that every individual shall pay the tax provided for, whether such individual is practicing by himself or in partnership or association or employed by another.
Corrective Action: Obtain BTR for rental property.
Compliance Date: 01/31/2025

City of New Smyrna Beach
Code Compliance

210 Sams Ave

New Smyrna Beach, FL
32168
386-410-2870

Violation Notice

Case Number: **CE-0843-2024**
Case Type: **Code Enforcement**
Date Case Established: **11/26/2024**
Compliance Deadline: **01/31/2025**

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8394 3792 58
(✓) Post
( )Hand Delivery

Sincerely,

Teresa Merck
Administration

John Parks
Code Compliance Officer
Phone: (386) 410-2877
Email: jparks@cityofnsb.com

01/03/2025

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BRYAN AND LISA WOOD
400 N RIVERSIDE DR
NEW SMYRNA BEACH,
FL 32168

CASE NO. CE-0843-2024
400 N RIVERSIDE DR
NEW SMYRNA BEACH, FL
32168

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **March 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

BRYAN AND LISA WOOD
400 N RIVERSIDE DR
NEW SMYRNA BEACH,
FL 32168

CASE NO. CE-0843-2024
400 N RIVERSIDE DR
NEW SMYRNA BEACH, FL
32168

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested — Receipt Number:9214 8901 9403 8394 3792 58

(✓) Post

( ) Hand Delivery

Teresa Merck
Administration

John Parks
Code Compliance Officer
Phone: (386) 410-2877
Email: jparks@cityofnsb.com
01/03/2025

Network:Jan 3, 2025 at 10:44:51 AM EST
Local:Jan 3, 2025 at 10:44:51 AM EST
N 29° 1' 45.523", W 80° 55' 25.191"
400 N Riverside Dr
New Smyrna Beach FL 32168
United States

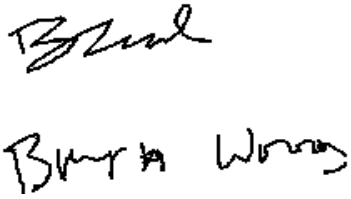
UNITED STATES POSTAL SERVICE

Date Produced: 01/16/2025

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8394 3792 58. Our records indicate that this item was delivered on 01/15/2025 at 12:38 p.m. in PENSACOLA, FL 32503. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient : 400 N RIVERSIDE DR
NEW SMYRNA, FL 32168-6740

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

BRYAN AND LISA WOOD
400 N RIVERSIDE DR
NEW SMYRNA FL 32168-6740

Customer Reference Number: C5556661.33705494

2

UNITED STATES POSTAL SERVICE®

Return address:

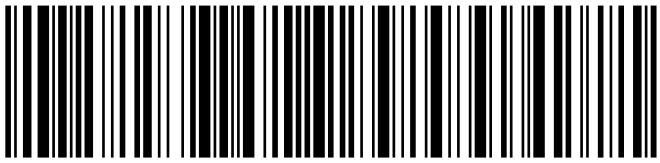
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

BRYAN AND LISA WOOD
400 N RIVERSIDE DR
NEW SMYRNA FL 32168-6740

MAILING DATE: 01/03/2025
DELIVERY DATE: 01/15/2025

USPS CERTIFIED MAIL



9214 8901 9403 8394 3792 58

USPS Tracking Label Number: 9214 8901 9403 8394 3792 58

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	01/03/2025 08:12
NO AUTHORIZED RECIPIENT AVAILABLE	PENSACOLA,FL 32503	01/10/2025 17:49
REMINDER TO SCHEDULE REDELIVERY	NEW SMYRNA BEACH,FL 32168	01/15/2025 03:38
DELIVERED INDIVIDUAL PICKED UP AT PO	PENSACOLA,FL 32503	01/15/2025 12:38

CASE #: CCSM-0843-2024 400 N RIVERSIDE

Network:Nov 26, 2024 at 1:33:29 PM EST
Local:Nov 26, 2024 at 1:33:29 PM EST
N 29° 1' 45.575", W 80° 55' 23.926"
401–499 N Riverside Dr
New Smyrna Beach FL 32168
United States

THE CITY OF NEW SMYRNA BEACH - CODE COMPLIANCE

CCSM-0071-2025- 206 FLAGLER AVE.; OWNER: 206 FLAGLER PROPERTY LLC/NGAN NG0 AND TUAN NGUYEN AND KIMCHAU NGO AND/OR ENTITY; OFFICER: JASON YATES

March 26, 2025

Background:

Violation of City Code Sec. 26-171. (a) - Permits Required; Sec. 26-172. - Penalties for work commencing before permit issuance.
Compliance date: March 14, 2025
Property posted February 14, 2025; Certified mail signed for February 22, 2025.

Fiscal Analysis:

None

Strategic Plan Item:

No

Staff Report Created By: Teresa Merck

Attachments:

CCSM-0071-2025 206 Flagler Ave.pdf

CE-0071-2025 - 206 FLAGLER AVENUE (ASIAN FUSION)
CODE CASE DETAILED REPORT FOR CITY OF NEW SMYRNA BEACH

Case Type:	Code Enforcement	**Project:**	**SPECIAL MAGISTRATE**	**Opened Date:**	02/06/2025
Status:	In Progress	**District:**	New Smyrna Beach	**Closed Date:**	NOT CLOSED
Assigned To:	Jason Yates	**Description:**	Structural remodeling to the rear of the building being done without permits.		

Parcel: 745509000040 Main	**Address:** 206 Flagler Av New Smyrna Beach, FL 32169 Main	**Zone:** MU (MIXED USE (CENTRAL BUSINESS DISTRICT))

Complainant

Helena Cleary

108 Linda Rd
New Smyrna Beach, FL 32168

Mobile: 3866901243

Owner

Aa Garden Fusion Inc
Ngan Ngo & Tuan Nguyen & Kimchau Ngo

120 N Riverside Dr
Edgewater, FL 32132

Business: 386-410-4772

Note	Created By	Date and Time Created
1. Incident Description: Structural remodeling to the rear of the building is being done without permits, as well as before 8 AM, disturbing local wildlife.	Barbara Bobelak	2/6/2025 7:15 am
2. Assigned to: Jason Yates	Barbara Bobelak	2/6/2025 7:16 am

Activity Type	Activity Number	Activity Name	User	Created On
Email	ACT-003644-2025	Online Complaint	Barbara Bobelak	02/06/2025

From: noreply@civicplus.com
To: Code Enforcement
Subject: Online Form Submittal: Contact Code Compliance
Date: Wednesday, February 5, 2025 4:54:16 PM

CAUTION: EXTERNAL EMAIL

Contact Code Compliance

Please use this form to request an inspection at a location in the City of New Smyrna Beach. Fields with an asterisk next to them are required. The Florida Legislature in 2021 passed Senate Bill 60, which amended Florida Statute 125.69 (4)(b), Florida Statute 162.06 (1)(b), and Florida Statute 162.21 (3)(b). Effective July 1, 2021, Florida Statute prohibits Code Compliance officers from investigating anonymous tips unless the violation presents an imminent threat to public health, safety, welfare, or the imminent destruction of habitat or sensitive resource.

Please provide your name and contact information.

First Name	Helena
Last Name	Cleary
Street Address	108 Linda Road
City	New Smyrna Beach
State	Fl
Zip Code	32168
Phone Number	3866901243
Reply E-mail	Helenamaycleary@gmail.com

Please provide information about the incident you would like us to investigate.

Street Address	206 Flagler ave
Incident Description	Structural remodeling to the rear of the building is being done without permits, as well as before 8 AM, disturbing local wildlife.
Name of Property Owner or Tenant (if known)	AA garden fusion
File Upload	*Field not completed.*

Email not displaying correctly? View it in your browser.

Volusia County Property Appraiser
123 W. Indiana Ave., Rm. 102
DeLand, FL. 32720
Phone: (386) 736-5901 Web: vcpa.vcgov.org

AltKey: 3901134 **Parcel ID: 745509000040**
206 FLAGLER PROPERTY LLC **206 FLAGLER AVE, NEW SMYRNA BEACH, FL**

Parcel Summary

Alternate Key:	3901134
Parcel ID:	745509000040
Township-Range-Section:	17 - 34 - 55
Subdivision-Block-Lot:	09 - 00 - 0040
Owner(s):	206 FLAGLER PROPERTY LLC - FS - Fee Simple - 100%
Mailing Address On File:	120 N RIVERSIDE DR EDGEWATER FL 32132
Physical Address:	206 FLAGLER AVE, NEW SMYRNA BEACH 32169
Property Use:	2100 - RESTAURANT
Tax District:	601-NEW SMYRNA BEACH
2024 Final Millage Rate:	16.7933
Neighborhood:	7032
Subdivision Name:	COOPER WALKER GRANT
Homestead Property:	No

Working Tax Roll Values by Taxing Authority

	Tax Authority	Just Value	Assessed	Ex/10cap	Taxable	Millage	Estimated
0017	CAPITAL IMPROVEMENT	$694,597	$694,597	$0	$694,597	1.5000	$1,041.90
0012	DISCRETIONARY	$694,597	$694,597	$0	$694,597	0.7480	$519.56
0011	REQ LOCAL EFFORT	$694,597	$694,597	$0	$694,597	3.0370	$2,109.49
0050	GENERAL FUND	$694,597	$694,597	$0	$694,597	3.2007	$2,223.20
0053	LAW ENFORCEMENT FUND	$694,597	$694,597	$0	$694,597	1.5994	$1,110.94
0055	LIBRARY	$694,597	$694,597	$0	$694,597	0.3891	$270.27
0520	MOSQUITO CONTROL	$694,597	$694,597	$0	$694,597	0.1647	$114.40
0530	PONCE INLET PORT AUTHORITY	$694,597	$694,597	$0	$694,597	0.0692	$48.07
0058	VOLUSIA ECHO	$694,597	$694,597	$0	$694,597	0.2000	$138.92
0057	VOLUSIA FOREVER	$694,597	$694,597	$0	$694,597	0.2000	$138.92
0065	FLORIDA INLAND NAVIGATION DISTRICT	$694,597	$694,597	$0	$694,597	0.0288	$20.00
0120	SOUTH EAST VOLUSIA HOSPITAL AUTHORITY	$694,597	$694,597	$0	$694,597	0.7506	$521.36
0060	ST JOHN'S WATER MANAGEMENT DISTRICT	$694,597	$694,597	$0	$694,597	0.1793	$124.54
0271	NEW SMYRNA BCH I&S 2005	$694,597	$694,597	$0	$694,597	0.0000	$0.00
0272	NEW SMYRNA BCH I&S 2018	$694,597	$694,597	$0	$694,597	0.0895	$62.17
0270	NEW SMYRNA BEACH	$694,597	$694,597	$0	$694,597	4.6370	$3,220.85
						16.7933	$11,664.58

Non-Ad Valorem Assessments

Project	Units	Rate	Total
6012-NSB STORMWATER	2	$104.00	$208.00
			$208.00

Estimated Ad Valorem Tax:	$11,664.58
Estimated Non-Ad Valorem Tax:	$208.00
Estimated Taxes:	**$11,872.58**
Estimated Tax Amount without SOH:	$11,872.58

Previous Years Certified Tax Roll Values

Year	Land Value	Impr Value	Just Value	Non-Sch Assd	Exemptions	Taxable	HX Savings
2024	$520,650	$179,886	$700,536	$700,536	$0	$700,536	$0
2023	$520,650	$171,384	$692,034	$648,245	$0	$648,245	$0
2022	$520,650	$155,939	$676,589	$589,314	$0	$589,314	$0
2021	$429,000	$106,740	$535,740	$535,740	$0	$535,740	$0
2020	$422,500	$151,833	$574,333	$495,969	$0	$495,969	$0
2019	$422,500	$145,284	$567,784	$450,881	$0	$450,881	$0
2018	$351,000	$141,653	$492,653	$409,892	$0	$409,892	$0
2017	$325,000	$135,325	$460,325	$372,629	$0	$372,629	$0
2016	$292,500	$125,658	$418,158	$338,754	$0	$338,754	$0

Property Description

NOTE: This property description may be a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Volusia County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property descriptions found on this site.

LOT 4 COOPER SUB WALKER GRANT MB 4 PG 96 (16-109) & INC E 50 FT LOT 43 ASSRS SUB WALKER GRANT MB 3 PG 150 (22-176) PER OR 4238 PG 4782 PER OR 6869 PG 2004

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: CE-0071-2025

Violation Notice

Case Type: Code Enforcement
Date Case Established: 02/06/2025
Compliance Deadline: 03/14/2025

Owner: NGAN NGO & TUAN NGUYEN & KIMCHAU NGO

Mailing Address

NGAN NGO & TUAN NGUYEN & KIMCHAU NGO
120 N RIVERSIDE DR
EDGEWATER, FL 32132

Notice of Violation for the following location:

Address	Parcel
206 FLAGLER AV NEW SMYRNA BEACH, FL 32169	**745509000040**

Violation: Sec. 26-171. (a) - Permits Required
Required. A building permit shall be procured from the building inspector by every contractor or any other person responsible for the performance of any work except painting before doing such work or construction of any character, whether permanent or temporary, where the cost exceeds $1,000.00 or an inspection is required; however, a building permit shall be required for any structure classified as a fence regardless of cost.

Corrective Action: Obtain an after the fact permit for construction already performed.
Compliance Date: 03/14/2025

Violation: Sec. 26-172. - Penalties for work commencing before permit issuance.
Any person who commences any work on a building or structure or electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty of 200 percent of the normal permit fee plus $50.00; except that during or following a natural disaster such as a hurricane, tornado, or sever windstorm, the penalty shall be 200 percent of the normal permit fee plus $100.00. The penalty shall be in lieu of the penalty imposed by section 104.7.2 of the 2007 Florida Building Code adopted in section 26-36.

(Ord. No. 49-97, § 1, 10-28-1997; Ord. No. 88-07, § 8, 9-11-2007; Ord. No. 28-09,§ 3, 8-25-2009)

Compliance Date: 03/14/2025

City of New Smyrna Beach
Code Compliance
210 Sams Ave
New Smyrna Beach, FL
32168
386-410-2870

Case Number: **CE-0071-2025**

Violation Notice

Case Type: **Code Enforcement**

Date Case Established: **02/06/2025**

Compliance Deadline: **03/14/2025**

Respondent(s) shall bring the property into compliance with the code provisions cited above on or before the compliance date listed above and **SHALL NOTIFY THE CODE INSPECTOR AND REQUEST A RE-INSPECTION TO DETERMINE COMPLIANCE**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a Notice of Violation is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8301 0829 67

(✓) Post

( ) Hand Delivery

Sincerely,

Teresa Merck

Teresa Merck
Administration Specialist

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com

2/14/25

206 FLAGER AVE SM-0071-2025

SPECIAL MAGISTRATE
THE CITY OF NEW SMYRNA BEACH

NGAN NGO & TUAN NGUYEN & KIMCHAU NGO
120 N RIVERSIDE DR
EDGEWATER, FL 32132

CASE NO. CE-0071-2025
206 FLAGLER AV
NEW SMYRNA BEACH, FL 32169

NOTICE OF HEARING

YOU ARE HEREBY notified that a hearing will be held before the Special Magistrate Hearing for the City of New Smyrna Beach on **March 26, 2025 at 2:00 pm**, in the City Commission Chambers, City Hall, 214 Sams Avenue, New Smyrna Beach, Florida 32168, for the purpose of determining whether you are in violation of the New Smyrna Beach City Code as described in the attached Notice of Violation.

The decision of the Special Magistrate will be based upon the evidence presented at the hearing. If the Special Magistrate determines that you are in violation and you fail to correct the violation(s) within the time period specified by the Special Magistrate, the Special Magistrate may impose a fine of up to TWO HUNDRED AND FIFTY DOLLARS ($250.00) a day for the first violation and up to FIVE HUNDRED DOLLARS ($500.00) a day for repeated violations. If the Special Magistrate finds the violation is irreparable or irreversible in nature, he/she may impose a fine not to exceed $5000.00 per violation. At the hearing, you have the right to be represented by an attorney (at your own expense) or to represent yourself. You will be given the opportunity to examine the evidence against you, cross-examine the City's witnesses, present witnesses to rebut the City's witnesses, present witnesses on your own behalf, present other relevant evidence, and make a statement to the Special Magistrate. You may examine the City's records concerning the subject matter of the action at the City Clerk's Office, City of New Smyrna Beach, City Hall, 210 Sams Avenue, New Smyrna Beach, Florida 32168, Telephone (386) 410-2630.

If the violation(s) is corrected and then reoccurs or if the violation(s) is not corrected by the time specified for correction by the Code Compliance Officer, your case may be presented to the Special Magistrate even if the violation(s) has been corrected prior to the Special Magistrate hearing.

SPECIAL MAGISTRATE

THE CITY OF NEW SMYRNA BEACH

NGAN NGO & TUAN NGUYEN & KIMCHAU NGO
120 N RIVERSIDE DR
EDGEWATER, FL 32132

CASE NO. CE-0071-2025
206 FLAGLER AV
NEW SMYRNA BEACH, FL 32169

NOTICE TO PERSONS WITH DISABILITIES

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the City Clerk, 210 Sams Avenue, New Smyrna Beach, Telephone (386) 410-2630, not later than seven days prior to the proceeding.

RECORD IS REQUIRED TO APPEAL

In the event you decide to appeal any decision made by the Special Magistrate with respect to any matter considered at the hearing, you will need a record of the proceedings, and, for such purpose, you may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. $268.0105, Fla. Stat.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that is Notice of Hearing is served on the party(ies) at the address as described above by:

(✓) Certified Mail, Return Receipt Requested Receipt Number:9214 8901 9403 8301 0829 67

(✓) Post

( ) Hand Delivery

Teresa Merck
Administration Specialist

Jason Yates
Code Compliance Officer
Phone: (386) 410-2878
Email: jyates@cityofnsb.com
2/14/2025

206 FLAGLER AVE SM-0071-2025

Network:Feb 14, 2025 at 10:10:52 AM EST
Local:Feb 14, 2025 at 10:10:52 AM EST
N 29° 2' 18.738", W 80° 54' 7.785"
225–235 Flagler Ave
New Smyrna Beach FL 32169
United States

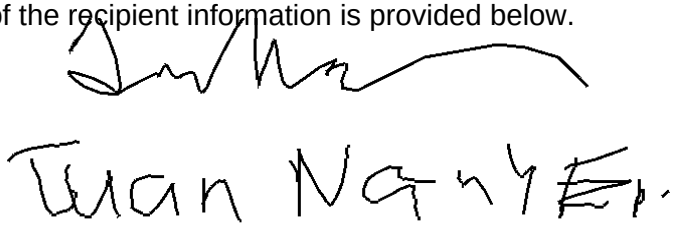
UNITED STATES POSTAL SERVICE

Date Produced: 02/24/2025

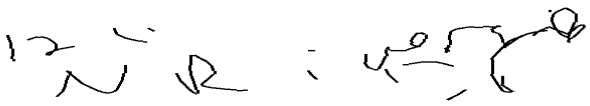
ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8301 0829 67. Our records indicate that this item was delivered on 02/22/2025 at 03:16 p.m. in EDGEWATER, FL 32132. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :



Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

NGAN NGO
TUAN NGUYEN
KIMCHAU NGO
120 N RIVERSIDE DR
EDGEWATER FL 32132-1716

Customer Reference Number: C5660243.34356575

UNITED STATES POSTAL SERVICE®

Return address:

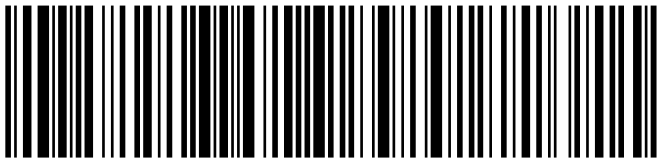
CODE DEPARTMENT
CITY OF NEW SMYRNA BEACH
210 SAMS AVE FL 1
NEW SMRYNA BEACH FL 32168

Recipient address:

NGAN NGO
TUAN NGUYEN
KIMCHAU NGO
120 N RIVERSIDE DR
EDGEWATER FL 32132-1716

MAILING DATE: 02/14/2025
DELIVERY DATE: 02/22/2025

USPS CERTIFIED MAIL



9214 8901 9403 8301 0829 67

USPS Tracking Label Number: 9214 8901 9403 8301 0829 67

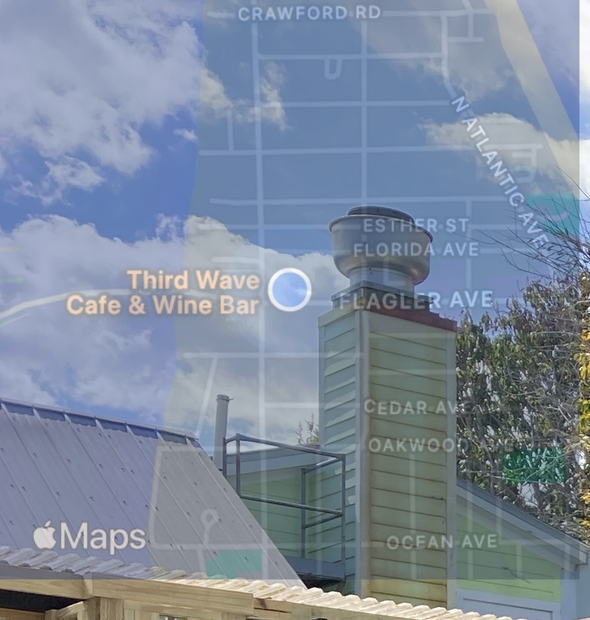
USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	NEW SMYRNA BEACH,FL 32168	02/14/2025 08:37
NO AUTHORIZED RECIPIENT AVAILABLE	EDGEWATER,FL 32132	02/18/2025 16:42
DELIVERED LEFT WITH INDIVIDUAL	EDGEWATER,FL 32132	02/22/2025 15:16

CASE #: SM-0071-2025 206 FLAGLER AVE JY

Network:Feb 11, 2025 at 12:29:25 PM EST
Local:Feb 11, 2025 at 12:29:25 PM EST
N 29° 2' 19.556", W 80° 54' 8.117"
206 Flagler Ave
New Smyrna Beach FL 32169
United States



Network:Feb 11, 2025 at 12:29:34 PM EST
Local:Feb 11, 2025 at 12:29:34 PM EST
N 29° 2' 19.909", W 80° 54' 7.936"
206 Flagler Ave
New Smyrna Beach FL 32169
United States



Network:Feb 11, 2025 at 12:29:36 PM EST
Local:Feb 11, 2025 at 12:29:36 PM EST
N 29° 2' 19.909", W 80° 54' 7.936"
206 Flagler Ave
New Smyrna Beach FL 32169
United States



Network:Feb 11, 2025 at 12:29:42 PM EST
Local:Feb 11, 2025 at 12:29:42 PM EST
N 29° 2' 19.909", W 80° 54' 7.936"
206 Flagler Ave
New Smyrna Beach FL 32169
United States