

CITY OF PALM BAY, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
Regular Meeting 2024-12

Held on the 11th day of December 2024 in the Council Chambers, 120 Malabar Road SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law and is on file in the Code Compliance Office, 120 Malabar Rd SE, Palm Bay, Florida.

Code Compliance Special Magistrate Frank Scaglione called the meeting to order at approximately 1:12 PM.

SWEARING IN:

All respondents, complainants, and City staff required to testify were sworn in.

ADOPTION OF MINUTES:

1. Regular Meeting Number 2024-11; November 13, 2024

Code Enforcement Special Magistrate adopted the minutes as presented.

REPORTS:

Authorization to Impose Fines:

1. CEB 25217-24 CITY OF PALM BAY VS US SFE ASSET COMPANY 1 LLC
 610 EMERSON DR NE, PALM BAY

This case involved a violation of City Code, Section(s) 179.080; Code of Ordinances of the City of Palm Bay for property located at 610 Emerson DR NE, Lot 12 Blk 2379, Unit 45, Subdivision KP, Township 28, Range 37, Section 30, Brevard County, Florida.

Ordered: An extension until February 9, 2025, was granted.

2. CEB 25143-24 CITY OF PALM BAY VS DEAN LOPEZ
 839 CARNATION AVE SE, PALM BAY

This case involved a violation of City Code, Section(s) 93.041; 170.119(A); 93.03, Code of Ordinances of the City of Palm Bay for property located at 839 Carnation Ave SE, Lot 16, Blk 535, Unit 12, Subdivision GN, Township 29, Range 37, Section 07, Brevard County, Florida.

Ordered: An extension until December 16, 2024, was granted.

The following case was withdrawn due to voluntary compliance:

CEB 25248-24

864 LAIKA RD SW

The City requested the Code Enforcement Special Magistrate find all respondents / cases listed in the Authorization to Impose Fines Report in non-compliance for the period stated in the report. Inspections were performed on or about December 2, 2024, and the properties remained in non-compliance.

CEB 25245-24	CHIEN CHIUNG CHIANG	\$200.00 SET FINE
CEB 25251-24	BAIJNATH, CHANDRA	\$200.00 SET FINE

OLD BUSINESS:

1. CEB 25300-24 CITY OF PALM BAY VS XINGSHI HUANG
399 WILMETTE AVE SW, PALM BAY

This case involved a violation of City Code, Section(s) 93.04(A)(1), Code of Ordinances of the City of Palm Bay for property located at 399 Wilmette Ave SW, Lot 11, Blk 1064, Unit 19, Subdivision 25, Township 29, Range 36, Section 01, Brevard County, Florida.

This case was brought into voluntary compliance.

2. CEB 25293-24 CITY OF PALM BAY VS KEVIN MICHAEL ANDERSON
485 SCANLON RD SW, PALM BAY

This case involved a violation of City Code, Section(s) 93.04(A)(1), Code of Ordinances of the City of Palm Bay for property located at 485 Scanlon Rd SW, Lot 14, Blk 1554, Unit 32, Subdivision KK, Township 29, Range 36, Section 12, Brevard County, Florida.

Ordered: Set a compliance date of December 21, 2024, or that a set fine of \$200.00 be imposed for the violation; and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed.

3. CEB 25358-24 CITY OF PALM BAY VS RAYMON LOPEZ
1175 CORDOVA ST SE, PALM BAY

This case involved a violation of City Code, Section(s) 93.031{A}(1), Code of Ordinances of the City of Palm Bay for property located at 1175 Cordova St SE, Lot 13, Blk 322, Unit 9, Subdivision GJ, Township 29, Range 37, Section 05, Brevard County, Florida.

Ordered: To amend the previous order dated November 14, 2024 to set a compliance date of December 21, 2024, or that a set fine of \$200.00 be imposed for the violation; and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed.

4. CEB 25344-24 CITY OF PALM BAY VS B10 LIVE WELL LLC
1527 WACKER AVE SE, PALM BAY

This case involved a violation of City Code, Section(s) 93.04(A)(1), Code of Ordinances of the City of Palm Bay for property located at 1527 Wacker Ave SE, Lot 3, Blk 731, Unit 16, Subdivision GP, Township 29, Range 37, Section 17, Brevard County, Florida.

Ordered: Set a compliance date of December 21, 2024, or that a set fine of \$200.00 be imposed for the violation; and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed.

HEARINGS:

1. CEB 25433-24 CITY OF PALM BAY VS CHARLENE G CORBIN: MARK L
CORBIN: ROBERT GELBART: EILEEN GELBART
742 ALTARA LN NE, PALM BAY

This case involved a violation of City Code, Section(s) 2021 IMPC 308.1; 73.21 (B), 185.133 (B), Code of Ordinances of the City of Palm Bay for property located at 742 Altara LN NE, Lot 4, Blk 269, Unit 8, Subdivision FS, Township 28, Range 37, Section 32, Brevard County, Florida.

Ordered: Set a compliance date of January 10, 2025, or that a fine of \$50.00 per day be imposed for each violation for every day the violation continues.

2. CEB 25438-24 CITY OF PALM BAY VS WILKINS AND MARILYN
GONZALEZ
1712 HAZELTON ST NW, PALM BAY

This case involved a violation of City Code, Section(s) 93.03, Code of Ordinances of the City of Palm Bay for property located at 1712 Hazelton St NW, Lot 3, Blk 1811, Unit 42, Subdivision KN, Township 28, Range 36, Section 28, Brevard County, Florida.

Ordered: Set a compliance date of December 21, 2024, or that a fine of \$50.00 per day be imposed for every day the violation continues.

3. CEB 25450-24 CITY OF PALM BAY VS BAYSIDE CROSSING PLAZA LLC
1840 ELDRON BLVD SE, PALM BAY

This case involved a violation of City Code, Section(s) 185.140, Code of Ordinances of the City of Palm Bay for property located at 1840 Eldron Blvd SE, BAYSIDE LAKES COMMERCIAL CENTER PHASE 2 LOTS 3 & 4, Subdivision RX, Township 29, Range 37, Section 19, Brevard County, Florida.

Ordered: Set a compliance date of February 9, 2025, or that a fine of \$50.00 per day be imposed for each violation for every day the violation continues.

4. CEB 25465-24 CITY OF PALM BAY VS JONATHAN D GARNER
REVOCABLE TRUST
1115 MALABAR RD NE, PALM BAY

This case involved a violation of City Code, Section(s) 93.04, Code of Ordinances of the City of Palm Bay for property located at 1115 Malabar Rd NE, PART OF LOT 7 AS DES IN ORB 466 PG 766 SUBD, Subdivision 00, Township 28, Range 37, Section 33, Brevard County, Florida.

Ordered: Set a compliance date of December 21, 2024, or that a fine of \$200.00 be imposed for the violation; and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed.

5. CEB 25454-24 CITY OF PALM BAY VS ROBERT DUTIL
674 GARVEY RD SW, PALM BAY

This case involved a violation of City Code, Section(s) 185.123(A)(2)(a), Code of Ordinances of the City of Palm Bay for property located at 674 Garvey Rd SW, Lot 4 & 6, Blk 1647, Unit 37, Subdivision KH, Township 29, Range 36, Section 11, Brevard County, Florida.

Ordered: Set a compliance date of January 10, 2025, or that a fine of \$50.00 per day be imposed for each violation for every day the violation continues.

6. CEB 25540-24 CITY OF PALM BAY VS LUIS CAMPOS
442 OLNEY ST SW, PALM BAY

This case involved a violation of City Code, Section(s) 93.04, Code of Ordinances of the City of Palm Bay for property located at 442 Olney St SW, Lot 8, Blk 1514, Unit 31, Subdivision JP, Township 29, Range 36, Section 25, Brevard County, Florida.

Ordered: Set a compliance date of January 10, 2025, or that a fine of \$200.00 be imposed for the violation; and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed.

The following cases were withdrawn due to voluntary compliance as noted on the agenda:

CEB 25471-24	311 BROOKEDGE ST NE
CEB 25482-24	448 ELLINGTON AVE SE
CEB 25509-24	2727 WRIGHT AVE SE

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Special Magistrate find the respondents in violation of the violations not in compliance and that the Code Enforcement Special Magistrate set a reasonable time for compliance and a fine per day to be imposed if the respondents fail to come into compliance by the time set.

CEB 25425-24	1937 LIVE OAK ST NE
CEB 25426-24	3921 DIXIE HWY NE
CEB 25427-24	1270 AMADOR AVE NW
CEB 25428-24	4700 BABCOCK ST NE #26
CEB 25429-24	1327 ARITON AVE NE
CEB 25430-24	165 DEAUVILLE AVE NE
CEB 25431-24	390 BALI ST SE
CEB 25432-24	510 DI LIDO ST NE
CEB 25434-24	1368 MADOC ST NW
CEB 25435-24	1107 ALBION ST NW

CEB 25436-24	1405 BARTON AVE NW
CEB 25437-24	306 MASTEN ST NW
CEB 25439-24	1891 CALMAR ST NW
CEB 25440-24	1086 FALCONER ST NW
CEB 25441-24	2194 EMERSON DR SE
CEB 25442-24	543 ESCAROLE ST SE
CEB 25443-24	301 GAGE ST SE
CEB 25444-24	1393 PARAGON RD SE
CEB 25445-24	2465 PALISADES DR SE
CEB 25446-24	960 GULFPORT RD SE
CEB 25447-24	518 EDISON ST SE
CEB 25448-24	1111 YAGER RD SE
CEB 25449-24	2122 WAGONWHEEL AVE SE
CEB 25451-24	1235 DANFORTH ST SW
CEB 25452-24	594 FREDERICKSBURG ST SW
CEB 25453-24	422 HARRISON ST SW
CEB 25455-24	572 WICKER RD SW

Code Enforcement Special Magistrate found the cases listed by the Secretary in violation based on the findings of fact entered into evidence. He gave the respondents in these cases a compliance date of December 26, 2024, or that a fine of \$50.00 be imposed for each violation on each case for each and every day the violations continue.

The City submitted all exhibits and affidavits into evidence in the following cases and requested that the Code Enforcement Special Magistrate find the respondents in violation of the violations not in compliance and that the Code Enforcement Special Magistrate set a reasonable time for compliance and a flat fine to be imposed if the respondents fail to come into compliance by the time set and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed.

CEB 25456-24	1901 ACADEMY ST NE
CEB 25457-24	357 COWNIE AVE SE
CEB 25458-24	1117 MALABAR RD NE
CEB 25459-24	1812 CYCLONE ST NW

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CEB 25460-24	1405 BARTON AVE NW
CEB 25461-24	1701 MACKLIN ST NW
CEB 25462-24	305 EMERSON DR NW
CEB 25463-24	1390 ILLINOIS ST NW
CEB 25464-24	1380 ALTAMONT AVE NE
CEB 25466-24	530 GREGORY ST SE
CEB 25467-24	510 DI LIDO ST NE
CEB 25468-24	1075 DUNHAM ST SE
CEB 25469-24	146 FRANTE AVE NE
CEB 25470-24	1566 PAISLEY ST NW
CEB 25472-24	1386 AMBERG AVE NW
CEB 25473-24	740 NORSE ST NW
CEB 25474-24	589 NACKMAN RD NW
CEB 25475-24	276 EMERSON DR NW
CEB 25476-24	373 ALTMAN AVE SE
CEB 25477-24	1443 HAYWORTH CIR NW
CEB 25478-24	382 ALBERCA ST NW
CEB 25479-24	1042 BRIGANTINE AVE NW
CEB 25480-24	1842 EUGENIA CT NW
CEB 25481-24	1055 PACE DR NW
CEB 25483-24	595 ELLINGTON AVE SE
CEB 25484-24	1227 PACKER RD SE
CEB 25485-24	918 BRICKELL ST SE
CEB 25486-24	702 ASHLEY AVE SE
CEB 25487-24	775 CORNELL ST SE
CEB 25488-24	1420 VANDER AVE SE
CEB 25489-24	1487 MACKAY AVE SE
CEB 25490-24	1502 MACKAY AVE SE
CEB 25491-24	980 SAN FILIPPO DR SE
CEB 25492-24	1036 ZAMBRANA ST SE
CEB 25493-24	1351 MARINER AVE SE
CEB 25494-24	2801 DIGBY RD SE

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CEB 25495-24	1491 ELDRON BLVD SE
CEB 25496-24	1530 ELMHURST CIR SE
CEB 25497-24	970 ST JOHN'S ST SE
CEB 25498-24	1060 TETZEL ST SE
CEB 25499-24	1242 SAN MATIO ST SE
CEB 25500-24	1881 TRAPPER AVE SE
CEB 25501-24	1646 PUEBLO ST SE
CEB 25502-24	2415 COGAN DR SE
CEB 25503-24	1151 WESTUNDER ST SE
CEB 25504-24	1096 WESBERRY ST SE
CEB 25505-24	2142 WHITESIDE AVE SE
CEB 25506-24	1117 RAYWOOD ST SE
CEB 25507-24	1230 WESTUNDER ST SE
CEB 25508-24	3190 WESSEL AVE SE
CEB 25510-24	2883 TIVOLI AVE SE
CEB 25511-24	398 FORBES ST SE
CEB 25512-24	683 GAGNON ST SE
CEB 25513-24	2650 FLINTSTONE AVE SE
CEB 25514-24	260 TODD ST SE
CEB 25515-24	745 SEATON RD SW
CEB 25516-24	1047 WHITEHURST RD SW
CEB 25517-24	1059 WING RD SW
CEB 25518-24	1030 WELLINGTON ST SW
CEB 25519-24	1040 WELLINGTON ST SW
CEB 25520-24	966 AIS ST SW
CEB 25521-24	550 WILDMER RD SW
CEB 25522-24	790 DAYSLAND AVE SW
CEB 25523-24	441 SAN PEDRO AVE SW
CEB 25524-24	481 HOLIN AVE SW
CEB 25525-24	191 TUCKER ST SW
CEB 25526-24	661 OSMOSIS DR SW
CEB 25527-24	659 TEJON AVE SW

CEB 25528-24	1236 HASTINGS RD SW
CEB 25529-24	1227 HARPER BLVD SW
CEB 25530-24	1380 HARVARD ST SW
CEB 25531-24	590 HANCOCK ST SW
CEB 25532-24	583 MIMOSA ST SW
CEB 25533-24	1251 SCOTTISH ST SW
CEB 25534-24	419 HAMMOND ST SW
CEB 25535-24	600 WALMSLEY ST SW
CEB 25536-24	412 GARVEY RD SW
CEB 25537-24	1217 SCRANTON ST SW
CEB 25538-24	1210 WATERWAY ST SW
CEB 25539-24	620 WILDMER RD SW

Code Enforcement Special Magistrate found the cases listed by the Secretary in violation based on the findings of fact entered into evidence. He gave the respondents in these cases a compliance date of December 21, 2024, or that a set fine of \$200.00 be imposed for the violation; and authorize the City to correct the violation at the expense of the property owner if not complied within the date given and charge the property owner with the reasonable cost of the actions along with the fine imposed.

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CEB 25541-24	552 BOUNTY AVE NE
CEB 25542-24	250 FRANCISCAN AVE NW
CEB 25543-24	297 JACARANDA AVE NW
CEB 25544-24	226 HIGGINS AVE NW
CEB 25545-24	591 ADVENTURE AVE NW
CEB 25546-24	474 FRANKFORD AVE NW
CEB 25547-24	215 CAMERON ST SE
CEB 25548-24	3141 SAN FILIPPO DR SE
CEB 25549-24	1074 WING RD SW

CEB 25550-24	204 GARVEY RD SW
CEB 25551-24	681 WALMSLEY ST SW
CEB 25552-24	150 TILE AVE SW
CEB 25553-24	390 WENDOVER RD SW
CEB 25554-24	489 SAN LUIS ST SW
CEB 25555-24	762 DARBY AVE SW

Code Enforcement Special Magistrate found the cases listed by the Secretary in violation based on the findings of fact entered into evidence. He gave the respondents in these cases a compliance date of December 21, 2024, or that a set fine of \$200.00 be imposed for the violation.

ADJOURNMENT:

The meeting adjourned at approximately 2:05 PM.

ATTEST:

Jeanne Pinsi, Secretary

Frank Scaglione, Code Enforcement Special Magistrate