



CITY OF NORTH PORT
SARASOTA COUNTY, FLORIDA
4970 City Hall Boulevard – North Port, FL. 34286

CODE ENFORCEMENT HEARING

CITY OF NORTH PORT, FLORIDA	}	
Petitioner,	}	
vs.	}	
DONNA M BIRCH	}	
Respondent(s)	}	CASE NO.: 23-4916
	}	CERTIFIED MAIL NO.: 9589071052700187026272
ADDRESS OF VIOLATION:	}	
2516 Atwater Dr	}	
North Port, FL	}	
PARCEL ID.: 1134102901	}	

NOTICE OF MANDATORY HEARING

Pursuant to the attached **AFFIDAVIT OF VIOLATION** dated *December 19, 2023*, **YOU ARE HEREBY FORMALLY NOTIFIED** that at **9:00 a.m.**, or as soon thereafter as possible, **on February 22, 2024**, in City Chambers, City Hall, **4970 City Hall Boulevard, North Port, Florida**, there will be a public hearing to determine whether or not you have violated certain CITY OF NORTH PORT, FLORIDA CODES/ORDINANCES with regard to the CODE OF THE CITY OF NORTH PORT, FLORIDA. A **NOTICE OF VIOLATION**, dated *December 04, 2023*, was previously served by **REGULAR MAIL**.

The attached **AFFIDAVIT OF VIOLATION** specifying the Code Provisions violated and the facts and circumstances of the CODE VIOLATION have been filed with the CITY OF NORTH PORT, CITY CLERK.

YOU ARE HEREBY ORDERED to appear before the HEARING OFFICER of the CITY OF NORTH PORT, FLORIDA on **February 22, 2024**, to present your case with regard to the violation stated in the attached **AFFIDAVIT OF VIOLATION**.

In exercising their power under CHAPTER 162, FLORIDA STATUTES, and CHAPTER 2, ARTICLE IX, CODE ENFORCEMENT, CITY OF NORTH PORT finds a violation exists, it shall:

- (a) Order the violator to pay administrative fine in amount consistent with Section 2-511, Code of the City of North Port, for each day the violation(s) exists beyond the date set for compliance by the HEARING OFFICER. If the violation(s) is a repeat violation occurring within the last five (5) years, administrative fine(s) may be imposed, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Property Standard Inspector;
- (b) Order the violator to pay a fine not to exceed \$1,000.00, \$2,000.00, \$5,000.00, or \$25,000 per violation, dependent upon the violation, if the violation was irreparable or irreversible in nature. If it pertains to unsafe abatement as determined by the building Official. There is no maximum fine cap defined in 2-511(b)(1)(d); and
- (c) Issue orders having the force of law to command whatever steps necessary to bring the violation(s) into compliance.

CONSISTENT WITH SECTION 162.09(1) FLORIDA STATUTES, NO OTHER HEARING SHALL BE NECESSARY FOR THE ISSUANCE OF THE ORDER ASSESSING THE ADMINISTRATIVE FINE(S).

In the event that the violator does not pay the administrative fine(s) (if any) prescribed by the CITY OF NORTH PORT, FLORIDA HEARING OFFICER at the hearing, the CITY OF NORTH PORT may establish a lien against the violator's property on which the violation(s) exists and upon any other real or personal property owned by the violator in accordance with Section 162.09(3), Florida Statutes and Section 2, CODE OF THE CITY OF NORTH PORT, FLORIDA. Should it become necessary for the CITY OF NORTH PORT, FLORIDA to foreclose on such a lien, the RESPONDENT(S) could be liable for additional expenses including, but not limited to, reasonable attorney fees, costs, and expenses incurred by the CITY OF NORTH PORT, FLORIDA or its agents and the same may be assessed as cost in the foreclosure action.

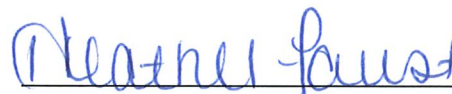
Although you may represent yourself, you have the right to an attorney at your own expense to represent you before the HEARING OFFICER. You have the right to record the proceedings of the hearing at your own expense. You also will have the opportunity to present witnesses as well as question the witnesses who may testify against you prior to the HEARING OFFICER making a determination. Please be prepared to present evidence at the hearing why you should not be found in violation of the Code Provision cited in the attached AFFIDAVIT OF VIOLATION and, in the case of a repeat violation, why an administrative fine(s) shall not be assessed.

A copy of the ORDER FOR COMPLIANCE and ORDER ASSESSING ADMINISTRATIVE FINE(S) shall be provided to you by Certified Mail, Return Receipt Requested, within fifteen (15) days following the date the orders are rendered.

THE CITY OF NORTH PORT MAY PROCEED IN THE ABSENCE OF ANY PARTY, THEIR AGENT, OR THEIR ATTORNEY, WHO AFTER DUE NOTICE, FAILS TO BE PRESENT AT THE HEARING.

If you should have any questions or ***compliance has been achieved***, please contact the Code Enforcement Inspector whose name appears on the attached AFFIDAVIT OF VIOLATION, at **(941) 429-7186**, or write to them at 4970 City Hall Boulevard, North Port, FL 34286.
<http://www.northportfl.gov>

PLEASE GOVERN YOURSELF ACCORDINGLY.

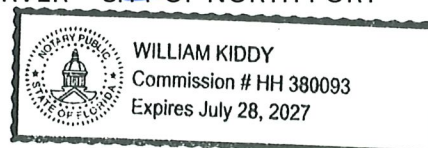


HEATHER FAUST, City Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this NOTICE OF MANDATORY HEARING has been served upon the RESPONDENT(S) by ***Certified Mail/Return Receipt Requested*** at 2516 ATWATER DR NORTH PORT FL 34288-8414.

DATED: December 21, 2023


SERVER – CITY OF NORTH PORT



CITY OF NORTH PORT
SARASOTA COUNTY, FLORIDA
CODE ENFORCEMENT DIVISION
 4970 City Hall Boulevard – North Port, FL. 34286
 (941) 429-7186

CITY OF NORTH PORT, FLORIDA	}	
Petitioner,	}	
vs.	}	
DONNA M BIRCH	}	
Respondent(s)	}	CASE NO.: 23-4916
	}	
ADDRESS OF VIOLATION:	}	
2516 ATWATER DR	}	
NORTH PORT, FL	}	
PARCEL ID.: 1134102901	}	

AFFIDAVIT OF VIOLATION

STATE OF FLORIDA :
 : ss
COUNTY OF SARASOTA :

The undersigned CODE ENFORCEMENT INSPECTOR, upon his/her oath, deposes and says:

Respondent(s) has been served with a Notice of Violation and Order to Correct Violation, dated December 04, 2023, by first class mail, a copy of which is attached.

(1) The following complaint was received in the Code Enforcement Division:

11/7/2023, 3:02:52 PM NLONG Vehicles parked in the city right of way.

(2) The following Ordinance Provision(s) Violation still exists:

Violation Description

59-1 (b)(1), North Port City Code, Prohibited parking - Right-of-way. No light or heavy duty vehicle shall be parked on the public right-of-way except during a short-term delivery, pick-up, or service activity, provided that: a. The vehicle is parked in the direction of traffic; b. The vehicle does not obstruct a sidewalk or create a hazard due to blocking visibility of traffic and/or pedestrians; c. The vehicle can be parked and moved without causing damage to the public right-of-way; and d. The parked vehicle does not block the view of a principal structure's front door or address numbers.

Violation Text

Vehicles parked in City Right-of-way.

Violation Corrective Action

Vehicle(s) must be removed from the public right-of-way immediately.

* Public right-of-way. The lands covered or dedicated to the public for use as a public street, alley, walkway, drainage facility, along with associated infrastructure, and/or facilities designed for other public purposes, including but not limited to street pavement, sidewalks, walkways, multipurpose/multiuse paths, drainage inlets and structures, swales, and unimproved areas within the platted public right-of-way.

(3) Field Inspection Notes:

11/22/2023, 9:13:11 AM NLONG Still in violation. Still parking in the city right of way. 12/15/2023, 11:17:23 AM NLONG Still in violation

DATED: December 19, 2023

K. Ralucci for Nathan Long

NATHAN LONG
Inspector
Development Services
City of North Port
4970 City Hall Boulevard
North Port, Florida 34286

STATE OF FLORIDA
COUNTY OF SARASOTA

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 19th day of Dec 2023, by NATHAN LONG.

[Signature]

Notary Public - State of Florida

X Personally Known OR ___ Produced Identification
Type of Identification Produced _____





**CITY OF NORTH PORT
SARASOTA COUNTY, FLORIDA
CODE ENFORCEMENT DIVISION
4970 City Hall Boulevard – North Port, FL. 34286**

**NOTICE OF VIOLATION
AND
ORDER TO CORRECT**

DONNA M BIRCH
2516 ATWATER DR
NORTH PORT, FL 34288-8414

DATE: December 4, 2023

PSI CASE NO.: 23-4916
REAL PROPERTY ADDRESS: 2516 ATWATER DR, NORTH PORT, FL
LOT 1, BLK 1029, 24TH ADD TO PORT CHARLOTTE, ORI 2005012837 PARCEL ID #: 1134102901
SERVED BY: FIRST CLASS MAIL

NOTICE OF VIOLATION

Pursuant to the CODE OF THE CITY OF NORTH PORT, FLORIDA, YOU ARE NOTIFIED that a violation exists on the above-described real property:

Violation Description

59-1 (b)(1), North Port City Code, Prohibited parking - Right-of-way. No light or heavy-duty vehicle shall be parked on the public right-of-way except during a short-term delivery, pick-up, or service activity, provided that: a. The vehicle is parked in the direction of traffic; b. The vehicle does not obstruct a sidewalk or create a hazard due to blocking visibility of traffic and/or pedestrians; c. The vehicle can be parked and moved without causing damage to the public right-of-way; and d. The parked vehicle does not block the view of a principal structure's front door or address numbers.

Violation Text

Vehicles parked in City Right-of-way.

Violation Corrective Action

Vehicle(s) must be removed from the public right-of-way immediately. * Public right-of-way. The lands covered or dedicated to the public for use as a public street, alley, walkway, drainage facility, along with associated infrastructure, and/or facilities designed for other public purposes, including but not limited to street pavement, sidewalks, walkways, multipurpose/multiuse paths, drainage inlets and structures, swales, and unimproved areas within the platted public right-of-way.

FINES SHALL BE ASSESSED:

FAILURE TO CORRECT THE DEFICIENCIES on the date specified above will result in an AFFIDAVIT OF VIOLATION to be filed with the Hearing Officer, charging you with the violation(s) set out above. A HEARING WILL BE HELD AT WHICH YOU SHALL ATTEND. If the Hearing Officer finds a violation exists, administrative fine(s) shall be assessed for each day the violation exists beyond the date for compliance as determined by the Hearing Officer.

The fines which may be imposed include:

Violation of North Port City Code:	Daily Fine Shall Not Exceed - \$10.00 per day Maximum Cumulative Fine - \$1,000.00
Violation of Unified Land Development Code:	Daily Fine Shall Not Exceed - \$25.00 per day Maximum Cumulative Fine - \$2,000.00
Violation of Florida Building Code:	Daily Fine Shall Not Exceed - \$50.00 per day Maximum Cumulative Fine - \$5,000.00
Violation of Florida Building Code as it pertains to unsafe building abatement as determined by the Building Official:	Daily Fine Shall Not Exceed - \$250.00 per day There Is No Maximum Cumulative Fine Cap
For any repeat Violations:	Maximum Cumulative Fine \$25,000.00

A fine imposed pursuant to this section shall continue to accrue until the violator comes into compliance, and such compliance is confirmed in accordance with §2-511(C), or until the Maximum Cumulative Fine has been reach, as defined in §2-511(b)(5).

LIEN(S) MAY BE PLACED:

A certified copy of an order assessing an administrative fine may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. No lien shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction.

If you have any questions concerning this notice or to schedule a reinspection, please contact the following inspector:

NATHAN LONG
Inspector
Neighborhood Development Services
e-mail: nlong@northportfl.gov

9589 0710 5270 0187 0262 72

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT ND
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$



Postage	
\$	
Tr	

CE WK 23-4916

ST	DONNA M BIRCH
ST	2516 ATWATER DR
CI	NORTH PORT FL 34288-8414
PS	

See reverse for Instructions



CITY OF NORTH PORT
SARASOTA COUNTY, FLORIDA
DEVELOPMENT SERVICES
CODE ENFORCEMENT DIVISION
 4970 City Hall Boulevard – North Port, FL. 34286
 (941) 429-7186

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2516 ATWATER DR	}	
NORTH PORT, FL.	}	
PARCEL ID.: 1134102901	}	

STATE OF FLORIDA :
 : ss
 COUNTY OF SARASOTA :

The undersigned, CODE ENFORCEMENT INSPECTOR, upon his/her oath, deposes and says:

AFFIDAVIT OF POSTING

On Dec 21, 2023 the Respondent(s) was served with a NOTICE OF MANDATORY HEARING by posting said Notice at 2516 ATWATER DR, NORTH PORT, FLORIDA, a copy of which is attached.

FURTHER AFFIANT SAYETH NAUGHT.

DATED: Dec 21 2023



 NATHAN LONG, Affiant
 Development Services

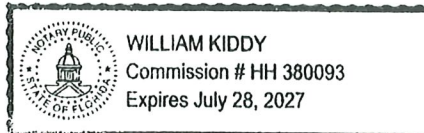
STATE OF FLORIDA
 COUNTY OF SARASOTA

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 21 day of Dec 2023 by NATHAN LONG.



 Notary Public - State of Florida

X Personally Known OR ___ Produced Identification
 Type of Identification Produced _____





Bill Furst
SARASOTA COUNTY
PROPERTY APPRAISER

Property Record Information for 1134102901

Ownership: BIRCH DONNA M 2516 ATWATER DR, NORTH PORT, FL, 34288-8414 Situs Address: 2516 ATWATER DR NORTH PORT, FL, 34288	Land Area: 11,509 Sq.Ft. Municipality: City of North Port Subdivision: 1570 - PORT CHARLOTTE SUB 24 Property Use: 0100 - Single Family Detached Status: OPEN Sec/Twp/Rge: 27-39S-22E Census: 121150027462 Zoning: RSF2 - RESIDENTIAL, SINGLE FAMILY Total Living Units: 1 Parcel Description: LOT 1, BLK 1029, 24TH ADD TO PORT CHARLOTTE, ORI 2005012837
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Buildings

<u>Situs - click address for building details</u> [Ⓜ] 2516 ATWATER DR NORTH PORT, FL, 34288	<u>Bldg #</u> 1	<u>Beds</u> 4	<u>Baths</u> 3	<u>Half Baths</u> 0	<u>Year Built</u> 1993	<u>Eff Yr Built</u> [Ⓜ] 1998	<u>Gross Area</u> 3,359	<u>Living Area</u> 2,256	<u>Stories</u> 1
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Extra Features

<u>line #</u>	<u>Building Number</u>	<u>Description</u>	<u>Units</u>	<u>Unit Type</u>	<u>Year</u>
1	1	Screened Enclosure	897	SF	1993
2	1	Patio - concrete or Pavers	585	SF	1993
3	1	Swimming Pool	312	SF	1993

Values

<u>Year</u>	<u>Land</u>	<u>Building</u>	<u>Extra Feature</u>	<u>Just</u>	<u>Assessed</u>	<u>Exemptions</u>	<u>Taxable</u>	<u>Cap</u> [Ⓜ]
2023	\$21,000	\$262,500	\$25,500	\$309,000	\$125,373	\$50,000	\$75,373	\$183,627
2022	\$20,800	\$273,300	\$26,800	\$320,900	\$133,021	\$50,000	\$83,021	\$187,879
2021	\$10,600	\$200,300	\$21,000	\$231,900	\$129,147	\$50,000	\$79,147	\$102,753
2020	\$7,400	\$188,800	\$24,100	\$220,300	\$127,364	\$50,000	\$77,364	\$92,936
2019	\$8,500	\$177,900	\$20,800	\$207,200	\$124,500	\$50,000	\$74,500	\$82,700
2018	\$6,000	\$169,200	\$18,500	\$193,700	\$122,179	\$50,000	\$72,179	\$71,521
2017	\$4,300	\$159,600	\$17,200	\$181,100	\$119,666	\$50,000	\$69,666	\$61,434
2016	\$4,100	\$153,300	\$16,700	\$174,100	\$117,205	\$50,000	\$67,205	\$56,895
2015	\$3,900	\$131,200	\$16,400	\$151,500	\$116,390	\$50,000	\$66,390	\$35,110
2014	\$2,700	\$113,800	\$13,600	\$130,100	\$115,466	\$50,000	\$65,466	\$14,634

Property taxes may be affected with change in ownership. When buying real estate, you should not assume that property taxes will remain the same. Use our tax estimator to estimate your new taxes.

Current Exemptions

<u>Grant Year</u> [Ⓜ]	<u>Value</u>
1994	\$25,000.00
1994	\$25,000.00

Sales & Transfers

<u>Transfer Date</u>	<u>Recorded Consideration</u>	<u>Instrument Number</u>	<u>Qualification Code</u>	<u>Grantor/Seller</u>	<u>Instrument Type</u>
6/24/2004	\$100	2004248095	11	BIRCH,BASIL A	QC
5/7/2004	\$100	2004098579	11	BIRCH,BASIL A	QC
9/20/1993	\$3,500	2550/1725	01	ALLSTATE BUILDERS OF SW FL	WD
7/27/1993	\$8,000	2531/475	X2	ATLANTIC GULF COMMUNITIES CORP	WD
11/1/1988	\$3,000	2081/1993	11	KELLNER BERNARD P	NA
7/1/1975	\$8	1092/1083	01		

Associated Tangible Accounts

There are no associated tangible accounts for this parcel

Property record information last updated on: 12/18/2023

FEMA Flood Zone (Data provided by Sarasota County Government as of 12/18/2023)
 Different portions of a property can be in different flood zones. Please click on MAP link below to see the flood zones.

<u>FIRM Panel</u>	<u>Floodway</u>	<u>SFHA ***</u>	<u>Flood Zone **</u>	<u>Community</u>	<u>Base Flood Elevation (ft)</u>	<u>CFHA *</u>
0411F	OUT	OUT	X	120279		OUT

* If your property is in a SFHA or CFHA, use the map to determine if the building footprint is within the flood area.
 ** For more information on flood and flood related issues specific to this property, call (941) 240-8050
 *** Federal law requires flood insurance for all properties in SFHAs with federally backed mortgages.
 For general questions regarding the flood map, call (941) 861-5000.

