

CITY OF NORTH PORT

SARASOTA COUNTY, FLORIDA 4970 City Hall Boulevard – North Port, FL. 34286

CODE COMPLIANCE HEARING

CITY OF NORTH PORT, FLORIDA	}		
Petitioner,	}		
vs.	}		
ARBOBELLA TREE SERVICE LLC	}		
Respondent(s)	}	CASE NO.:	24-844
	}	CERTIFIED MAIL NO.:	9589071052700187029754
ADDRESS OF VIOLATION:	}		
3063 Briarcliff Ave	}		
North Port, FL	}		
PARCEL ID.: 1129223911	}		

NOTICE OF MANDATORY HEARING

Pursuant to the attached AFFIDAVIT OF VIOLATION dated April 02, 2024, YOU ARE HEREBY FORMALLY NOTIFIED that at 9:00 a.m., or as soon thereafter as possible, on June 27, 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 February 27, 2024, 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 *June 27, 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 Compliance 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.

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 1665 MILAN ST NORTH PORT FL 34286.

DATED: April ________, 2024

SERVER – CITY OF NORTH PORT

WILLIAM KIDDY Commission # HH 380093 Expires July 28, 2027



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

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}	CASE NO.:	24-844
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AFFIDAVIT OF VIOLATION

STATE OF FLORIDA :

: ss

COUNTY OF SARASOTA:

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

Respondent(s) has been served with a Notice of Violation and Order to Correct Violation, dated February 27, 2024, by first class mail, a copy of which is attached.

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

2/26/2024, 2:38:09 PM DGRANDT Accessory structure on lot. With no principal structure on property. Consisting of shipping container and other vehicles Also a fence around the property. Complaint Came in from George Goodspeed

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

Violation Description

Section 53-240(A)(3) Unified Land Development Code, Special Structures - A. Accessory uses and structures. Permitted accessory uses and structures in all zoning districts shall be as follows: (3) Are located on the same lot as the permitted or permissible principal use or structure.

Violation Text

Fence installed on this property with no permit or principal structure, additionally there is a storage/shipping container which does not have a permit either.

Violation Corrective Action

Removed the accessory structure(s) from the undeveloped lot within (10) days of the date of the Notice of Violation.

Violation Description

- 59-1 (c)(1), City Code Allowed parking A property owner shall only have a boat, light duty vehicle, on-call/on-duty wrecker, recreational vehicle, or trailer parked on their residential lot when the lot contains a principal structure, and pursuant to the following limitations:
- a. Combined maximum parking. The combined maximum number of light duty vehicles and boats allowed to park on a residential lot is determined based on the lot's size, as follows: Residential

Lot Size Total Vehicles and/or Boats 10,999 square feet or smaller 6 11,000 to 20,999 square feet 8 21,000 to 30,999 square feet 9 31,000 to 40,999 square feet 10 41,000 to 50,999 square feet 11 51,000 square feet and larger 12

- b. Boat and trailer parking. A boat on a trailer shall count as one item towards the combined maximum parking allowed on a residential lot.
- c. Location limits. No boat, light duty vehicle, recreational vehicle, and/or trailer shall be parked on a residential lot except as follows:
- 1. Front yard parking. A parked vehicle/boat must rest entirely upon a driveway in the front yard.
- 2. Side or rear yard parking. A parked vehicle/boat must rest so that no part encroaches into an easement on the side or rear yard.
- *Driveway. An improved surface located between the public street and a private property that provides ingress and egress of vehicular traffic from the public street to a definite area on the private property, such as a carport, garage, or house.

Violation Text

Vehicles parked on this property with no principal structure

Violation Corrective Action

Vehicle(s) must be removed from the property, or contained within an enclosed structure, or meet allowed parking requirements within ten (10) days of the date of this notice

Violation Description

Section 53-265(A)(2) Unified Land Development Code - Exemption from temporary use and special event permits. The following temporary uses are exempt from these requirements: [Amended 1-30-2012 by Ord. No. 2011-32] (2)Storage pods, shipping containers and transport containers used for on-site storage of household or other goods are permitted for a maximum of seven (7) consecutive days, provided that such pods or containers do not exceed sixty-four (64) square feet in area and sixteen (16) feet in height. Said storage pods, shipping containers and transport containers may be authorized twice per calendar year for an additional twenty-one (21) days with an approved temporary use permit. Said storage pods, shipping containers and transport containers are prohibited as storage for seasonal or sale merchandise in the commercial and industrial zoning districts.

Violation Text

Shipping container on this property with no permit.

Violation Corrective Action

Remove the shipping container from the property or file for a temporary use permit through the Planning and Zoning Department within ten (10) days from the date of this Notice.

(3) Field Inspection Notes:

2/26/2024, 2:44:13 PM DGRANDT Also have a driveway in the right of way no permit. 3/29/2024, 12:05:23 PM DGRANDT Property is still violation.

DATED: April 02, 2024

or behall of

DAVE GRANDT 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 lacksquare physical presence or \Box online notarization, this _____ day of Apr 2024, by DAVE GRANDT_

Notary Public - State of Florida

X_ Personally Known OR ____ Produced Identification Type of Identification Produced _____

WILLIAM KIDDY Commission # HH 380093 Expires July 28, 2027



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

NOTICE OF VIOLATION AND ORDER TO CORRECT

ARBOBELLA TREE SERVICE LLC 1665 MILAN ST NORTH PORT, FL 34286

DATE: February 27, 2024

PSI CASE NO.: 24-844

REAL PROPERTY ADDRESS: 3063 BRIARCLIFF AVE, NORTH PORT, FL

LOT 11 BLK 2239 46TH ADD TO PORT CHARLOTTE PARCEL ID #: 1129223911

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

Section 53-240(A)(3) Unified Land Development Code, Special Structures - A. Accessory uses and structures. Permitted accessory uses and structures in all zoning districts shall be as follows: (3) Are located on the same lot as the permitted or permissible principal use or structure.

Violation Text

Fence installed on this property with no permit or principal structure, additionally there is a storage/shipping container which does not have a permit either.

Violation Corrective Action

Removed the accessory structure(s) from the undeveloped lot within (10) days of the date of the Notice of Violation.

Violation Description

59-1 (c)(1), City Code Allowed parking - A property owner shall only have a boat, light duty vehicle, on-call/on-duty wrecker, recreational vehicle, or trailer parked on their residential lot when the lot contains a principal structure, and pursuant to the following limitations: a. Combined maximum parking. The combined maximum number of light duty vehicles and boats allowed to park on a residential lot is determined based on the lot's size, as follows: Residential

Lot Size Total Vehicles and/or Boats 10,999 square feet or smaller 6 11,000 to 20,999 square feet 8 21,000 to 30,999 square feet 9 31,000 to 40,999 square feet 10 41,000 to 50,999 square feet 11 51,000 square feet and larger 12

b. Boat and trailer parking. A boat on a trailer shall count as one item towards the combined maximum parking allowed on a residential lot. c. Location limits. No boat, light duty vehicle, recreational vehicle, and/or trailer shall be parked on a residential lot except as follows: 1. Front yard parking. A parked vehicle/boat must rest entirely upon a driveway in the front yard. 2. Side or rear yard parking. A parked vehicle/boat must rest so that no part encroaches into an easement on the side or rear yard.
*Driveway. An improved surface located between the public street and a private property that provides ingress and egress of vehicular traffic from the public street to a definite area on the private property, such

Violation Text

Vehicles parked on this property with no principal structure.

Violation Corrective Action

as a carport, garage, or house.

Vehicle(s) must be removed from the property, or contained within an enclosed structure, or meet allowed parking requirements within ten (10) days of the date of this notice.

Violation Description

Section 53-265(A)(2) Unified Land Development Code - Exemption from temporary use and special event permits. The following temporary uses are exempt from these requirements: [Amended 1-30-2012 by Ord. No. 2011-32] (2)Storage pods, shipping containers and transport containers used for on-site storage of household or other goods are permitted for a maximum of seven (7) consecutive days, provided that such pods or containers do not exceed sixty-four (64) square feet in area and sixteen (16) feet in height. Said storage pods, shipping containers and transport containers may be authorized twice per calendar year for an additional twenty-one (21) days with an approved temporary use permit. Said storage pods, shipping containers and transport containers are prohibited as storage for seasonal or sale merchandise in the commercial and industrial zoning districts.

Violation Text

Shipping container on this property with no permit.

Violation Corrective Action

Remove the shipping container from the property or file for a temporary use permit through the Planning and Zoning Department within ten (10) days from the date of this Notice.

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:

DAVE GRANDT Inspector Development Services

e-mail: dgrandt@northportfl.gov

54	U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only
0297	For delivery information, visit our website at www.usps.com®.
1970	Certified Mall Fee \$ Extra Services & Fees (check box, add fee as appropriate) Return Receipt (hardcopy)
5270	Return Receipt (electronic) 2024
0770	CE WR 24-844 ARBOBELLA TREE SERVICE LLC
9589	© NORTH PORT FL 34286
	PSSee neverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 1. Article Addressed to: CE WK 24-844 ALBOBELLA TREE SERVICE LLC 1665 MILAN ST NORTH PORT FL 34286	A. Signature X
9590 9402 8272 3094 0128 73 2. Article Number (<i>Transfer from service label</i>)	3. Service Type □ Adult Signature □ Adult Signature Restricted Delivery □ Certified Mail® □ Certified Mail Restricted Delivery □ Collect on Delivery □ Collect on Delivery Restricted Delivery □ Collect on Delivery Restricted Delivery □ Restricted Delivery □ Signature Confirmation Restricted Delivery
9589 0710 5270 0187 0297 PS Form 3811, July 2020 PSN 7530-02-000-9053	5 4 Agil Restricted Delivery Domestic Return Receipt



CITY OF NORTH PORT

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

CITY OF NORTH PORT, FLORIDA Petitioner, vs. ARBOBELLA TREE SERVICE LLC Respondent(s)	} } CASE NO.: 24-844
ADDRESS OF VIOLATION: 3063 BRIARCLIFF AVE NORTH PORT, FL. PARCEL ID.: 1129223911	} } }
STATE OF FLORIDA : : ss	
COUNTY OF SARASOTA :	
The undersigned, CODE COMPLIANCE INS	PECTOR, upon his/her oath, deposes and says:
On Apr, 2024 the Respondent(s) wa	DAVIT OF POSTING as served with a NOTICE OF MANDATORY HEARING by F AVE, NORTH PORT, FLORIDA, a copy of which is
FURTHER AFFIANT SAYETH NAUGHT.	
DATED: Apr2024	DAVE GRANDT, Affiant Development Services
STATE OF FLORIDA COUNTY OF SARASOTA	
Sworn to (or affirmed) and subscribed be notarization, this day of Apr 2024 by	fore me by means of $oxtimes$ physical presence or $oxtimes$ online $oxtimes$ $oxti$
	
Noi	tary Public - State of Florida
X Personally Known OR Produced Identification Type of Identification Produced	WILLIAM KIDDY Commission # HH 380093



Property Record Information for 1129223911

Ownership:

ARBOBELLA TREE SERVICE LLC

1665 MILAN ST, NORTH PORT, FL, 34286

Situs Address:

BRIARCLIFF AVE NORTH PORT, FL, 34288

Land Area: 10,000 Sq.Ft. Municipality: City of North Port

Subdivision: 1778 - PORT CHARLOTTE SUB 46

Property Use: 0000 - Residential vacant site

Status OPEN Sec/Twp/Rge: 25-39S-22E Census: 121150027462

Zoning: RSF2 - RESIDENTIAL, SINGLE FAMILY

Total Living Units: 0

Parcel Description: LOT 11 BLK 2239 46TH ADD TO PORT CHARLOTTE

Buildings

Vacant Land

Extra Features

There are no extra features associated with this parcel

Values

<u>Year</u>	<u>Land</u>	<u>Building</u>	Extra Feature	<u>Just</u>	Assessed	Exemptions	<u>Taxable</u>	<u>Cap</u> ⊕
2023	\$6,400	\$0	\$0	\$6,400	\$6,400	\$0	\$6,400	\$0
2022	\$6,800	\$0	\$5,500	\$12,300	\$8,140	\$0	\$8,140	\$4,160
2021	\$2,400	\$0	\$0	\$2,400	\$2,400	\$0	\$2,400	\$0
2020	\$1,800	\$0	\$0	\$1,800	\$1,800	\$0	\$1,800	\$0
2019	\$1,800	\$0	\$0	\$1,800	\$1,597	\$0	\$1,597	\$203
2018	\$1,500	\$0	\$0	\$1,500	\$1,452	\$0	\$1,452	\$48
2017	\$1,900	\$0	\$0	\$1,900	\$1,320	\$0	\$1,320	\$580
2016	\$1,200	\$0	\$0	\$1,200	\$1,200	\$0	\$1,200	\$0
2015	\$1,400	\$0	\$0	\$1,400	\$1,400	\$0	\$1,400	\$0
2014	\$4,600	\$0	\$0	\$4,600	\$3,872	\$0	\$3,872	\$728

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

There are no exemptions associated with this parcel.

Sales & Transfers

Transfer Date	Recorded Consideration	Instrument Number	Qualification Code	Grantor/Seller	Instrument Type
8/8/2022	\$10,500	2022131450	03	CASEY JOSEPH	WD
5/2/2022	\$20,000	2022074781	03	PIERSON CODY BLAIR	WD
5/2/2020	\$3,500	2020058054	01	LOTVESTORS LLC	WD
11/20/2019	\$8,700	2019160641	05	CY INVESTMENTS LLC	WD
9/11/2004	\$28,000	2004184926	X2	HUNDLEY,BETTY	WD
5/23/2001	\$100	2002169411	X2	HUNDLEY RICHARD & BETTY,	OT
7/22/1991	\$5,700	2325/348	15	N C N B NATIONAL BANK	TR

Associated Tangible Accounts

There are no associated tangible accounts for this parcel

Property record information last updated on: 4/1/2024

No flood zone information available for this property.
For general questions regarding Sarasota County flood maps, call (941) 861-5000.

