



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

**HEARING OFFICER**

CITY OF NORTH PORT, FLORIDA }  
Petitioner, }  
vs. }  
LUBA PROKOSA }  
Respondent(s) }  
ADDRESS OF VIOLATION: }  
6093 Fabian Rd }  
North Port, FL }  
PARCEL ID.: 0998198106 }

CASE NO.: 22-2556  
CERTIFIED MAIL NO.: 70222410000235452504

**ORDER FOR COMPLIANCE**  
**NOTICE OF HEARING TO ASSESS ADMINISTRATIVE FINE**

**AFTER DUE NOTICE** to Respondent(s), the HEARING OFFICER OF THE CITY OF NORTH PORT heard testimony and took evidence concerning the above-styled cause at a public hearing on January 26, 2023. Based upon the testimony heard and the evidence presented, the HEARING OFFICER established the following FINDINGS OF FACT in this cause:

1. Respondent(s), Luba Prokosa, own(s) the property commonly known as, 6093 Fabian Rd North Port, Sarasota County, Florida (LOT 6 BLK 1981 42ND ADD TO PORT CHARLOTTE , a subdivision according to Plat thereof, of the Public Records of Sarasota County, Florida).
2. Code Enforcement Inspector HENLEY LEE BURTON served the Respondent(s) a NOTICE OF VIOLATION, dated June 16, 2022.
3. The Respondent did not comply with the NOTICE OF VIOLATION within the time frame set forth therein.

**Based upon the foregoing FINDINGS OF FACT, the HEARING OFFICER finds the following CONCLUSION(s) OF LAW:**

4. Respondent’s actions constitute a violation of:  
Chapter 105.1, Florida Building Code - Permit required.  
(Above ground pool in rear of property, as well as shed, and pergola with no permit on file for any of them.)  
Section 42-24(a)(2)(b) North Port City Code, Maintenance of stormwater drainage area.  
(Three (3) New Palm trees planted in City Right-of-way of which cannot be there.)

**Based upon the FINDINGS OF FACT and CONCLUSION(s) OF LAW, and upon consideration, it is thereupon**

**ORDERED that:**

5. Respondents(s) shall correct the violation(s) by promptly Obtain required permit(s); Remove the 3 new palm trees planted in the City Right of way.

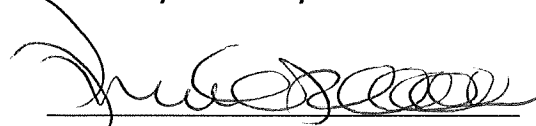
6. If Respondent(s) fail(s) to correct the violation(s) by **May 6th, 2023**, RESPONDENT MAY BE ASSESSED THE SUM OF **\$10.00 per day for Building Code Violation & \$10.00 per day for City Code Violation, beginning May 7th, 2023**, which shall continue to accrue daily until the property is brought into compliance as set forth in Paragraph 5 AND SUCH COMPLIANCE IS CONFIRMED IN ACCORDANCE WITH Ordinance NO. 2015-26 Section 2-511 (C), Code of the City of North Port, or until the Maximum Cumulative Fine of **\$5,000.00 for Building Code Violation, & \$1,000.00 for Building Code Violation**, has been reached.
7. Respondent(s) shall attend a hearing before the HEARING OFFICER scheduled for **May 25th, at 9:00 a.m.** or as soon thereafter as possible, in **City Chambers**, City Hall, 4970 City Hall Boulevard, North Port, Florida for the purpose of determining whether the stated administrative fine should be assessed for failure to comply with this Order for Compliance.
8. A certified copy of an ORDER ASSESSING ADMINISTRATIVE FINE imposing the above stated fine may be recorded in the Public Records of Sarasota County, Florida by the City Clerk of the City of North Port and shall constitute a lien upon the real property on which the violations(s) exists and upon the real or personal property owned by the violator(s) consistent with Chapter 162, Florida Statutes, and Chapter 2, North Port City code, for which let execution issue.
9. THE HEARING OFFICER retains jurisdiction in all respects to enforce its prior order(s) requiring compliance and to issue such orders having the force of law to command whatever steps are necessary to bring continued violation(s) into compliance.

***As soon as compliance is achieved, Respondent(s) shall notify the Code Enforcement Division IN WRITING to request a re-inspection using the "Request for Re-inspection" form that is attached to this Order. Respondent shall provide the completed form to:***

**Code Enforcement Division Manager  
4970 City Hall Boulevard  
North Port, FL 34286  
or FAX TO (941) 429-7195**

Failure to provide the completed written Request for Re-inspection form to the Code Enforcement Division Manager may result in the imposition of fines for said violation.


***DONE AND ORDERED***, for the City of North Port, Florida this **26th day of January 2023**.


  
\_\_\_\_\_  
JAMES E. TOALE  
HEARING OFFICER

**CERTIFICATE OF SERVICE**

***I HEREBY CERTIFY*** that a true and correct copy of the ORDER FOR COMPLIANCE and NOTICE OF HEARING TO ASSESS ADMINISTRATIVE FINE has been furnished to the Respondent(s) by ***Certified Mail/Return Receipt Requested*** at 6093 Fabian Rd North Port Fl 34287-2224.

**DATED:** January 31, 2023.

  
\_\_\_\_\_  
SERVER-CITY OF NORTH PORT

	WILLIAM ALLEN KIDDY Commission # GG 359537 Expires July 28, 2023 Bonded Thru Troy Fain Insurance 800-385-7019
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**CITY OF NORTH PORT**  
 SARASOTA COUNTY, FLORIDA  
 NEIGHBORHOOD DEVELOPMENT SERVICES  
 CODE ENFORCEMENT DIVISION  
 4970 City Hall Boulevard – North Port, FL. 34286  
 (941) 429-7186

<b>CITY OF NORTH PORT, FLORIDA</b>	}	
Petitioner,	}	
vs.	}	
<b>LUBA PROKOSA</b>	}	
Respondent(s)	}	CASE NO.: 22-2556
	}	
<b>ADDRESS OF VIOLATION:</b>	}	
6093 FABIAN RD	}	
NORTH PORT, FL.	}	
PARCEL ID.: 0998198106	}	

**STATE OF FLORIDA** :  
 : ss  
**COUNTY OF SARASOTA** :

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

**AFFIDAVIT OF POSTING**

On May 3, 2023 the Respondent(s) was served with a NOTICE OF MANDATORY HEARING by posting said Notice at 6093 FABIAN RD, NORTH PORT, FLORIDA, a copy of which is attached.

FURTHER AFFIANT SAYETH NAUGHT.

**DATED:** May 3 2023

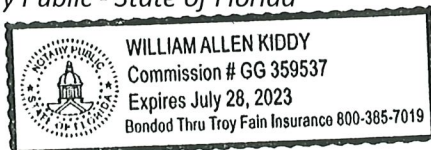
*Henley Lee Burton*  
 \_\_\_\_\_  
 HENLEY LEE BURTON, Affiant  
 Neighborhood Development Services

STATE OF FLORIDA  
 COUNTY OF SARASOTA

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 3 day of May 2023 by HENLEY LEE BURTON.

*William Allen Kiddy*  
 \_\_\_\_\_  
 Notary Public - State of Florida

X Personally Known OR \_\_\_ Produced Identification  
 Type of Identification Produced \_\_\_\_\_







**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. }  
LUBA PROKOSA }  
Respondent(s) }  
ADDRESS OF VIOLATION: }  
6093 Fabian Rd }  
North Port, FL }  
PARCEL ID.: 0998198106 }

CASE NO.: 22-2556  
CERTIFIED MAIL NO.: 70222410000235449146

**NOTICE OF MANDATORY HEARING**

Pursuant to the attached **AFFIDAVIT OF POSTING** dated *December 07, 2022*, **YOU ARE HEREBY FORMALLY NOTIFIED** that at *9:00 a.m.*, or as soon thereafter as possible, *on January 26, 2023*, 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 *June 16, 2022*, was previously served by **REGULAR MAIL**.

The attached **AFFIDAVIT OF POSTING** 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 *January 26, 2023*, 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.

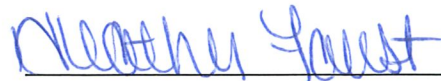
A copy of the ORDER FOR COMPLIANCE and ORDER ASSESSING ADMINISTRATIVE FINE(S) shall be provided to you by Certified Mail, Return Receipt Requested, within fifteen (15) days following the date the orders are rendered.

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 POSTING, 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.

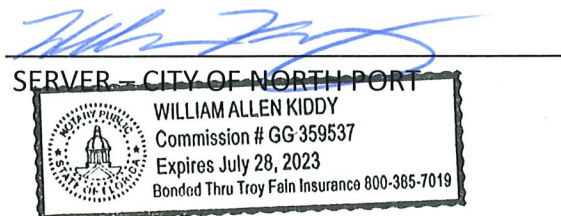


HEATHER FAUST, City Clerk

**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 6093 FABIAN RD NORTH PORT FL 34287-2224.

**DATED:** December 27, 2022





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

CITY OF NORTH PORT, FLORIDA	}	
Petitioner,	}	
vs.	}	
LUBA PROKOSA	}	
Respondent(s)	}	CASE NO.: 22-2556
	}	
ADDRESS OF VIOLATION:	}	
6093 FABIAN RD	}	
NORTH PORT, FL.	}	
PARCEL ID.: 0998198106	}	

**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 June 16, 2022, by first class mail, a copy of which is attached.

(1) The following complaint was received in the Property Standards Division:

6/10/2022, 3:33:55 PM HBURTON  
 Homeowner has a above ground pool in their backyard with no permit and they have several trees planted in the right of way. Ron 941-549-9463

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

**Violation Description**

Chapter 105.1, Florida Building Code - Permit required.

**Violation Text**

Above ground pool in rear of property, as well as shed, and pergola with no permit on file for any of them.

**Violation Corrective Action**

Obtain required permit within ten (10) days from the date of this Notice. For additional information, go to: <http://cityofnorthport.com/index.aspx?page=121>

**Violation Description**

Section 42-24(a)(2)(b) North Port City Code, Maintenance of stormwater drainage area. Every lot owner is responsible for maintenance of the stormwater drainage systems within the city's road rights-of-way located adjacent to their lot, unless excused from this responsibility as further provided by this section. These maintenance responsibilities are limited to the following areas: (2) Open swale drainage (with

sidewalk) - From the edge of the pavement to the owner's unencumbered lot line (see EXHIBIT B). b. Properly mowing the grassed area within the swale to effectively maintain the flow of stormwater through the culvert and to maintain a neat appearance free from excessive growth and impinging growth, including removal of grass, weeds, bushes, sand, silt, and any other debris at both ends of any driveway culvert pipe. Failure to abide by this maintenance requirement is a violation to this code unless otherwise excused as provided for in subsections (8) and (9) of this section, or where the city owns the right-of-way in fee title.

**Violation Text**

Three (3) New Palm trees planted in City Right-of-way of which cannot be there.

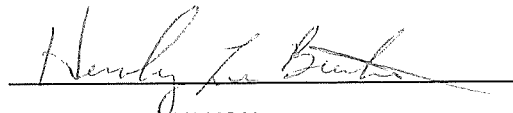
**Violation Corrective Action**

Maintain the right-of-way with respect to the items mentioned above within ten (10) days of the date of this notice.

**(3) Field Inspection Notes:**

on inspection I verified homeowner has 3 new palm trees planted in the right of way. ...homeowner also has a violation of an above ground pool, shed and pergola in backyard with no permit on file.  
posted on property  
homeowner is still in violation

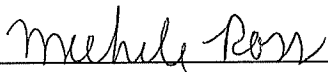
DATED: August 12, 2022



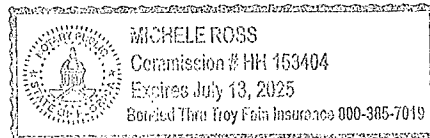
HENLEY LEE BURTON  
Inspector  
Neighborhood Development Services  
City of North Port  
4970 City Hall Boulevard  
North Port, Florida 34286

STATE OF FLORIDA  
COUNTY OF SARASOTA

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 12<sup>th</sup> day of August 2022, by HENLEY LEE BURTON.

  
\_\_\_\_\_  
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**

LUBA PROKOSA  
6093 FABIAN RD  
NORTH PORT, FL 34287-2224

**DATE:** June 16, 2022

PSI CASE NO.: 22-2556  
REAL PROPERTY ADDRESS: 6093 FABIAN RD, NORTH PORT, FLORIDA  
LOT 6 BLK 1981 42ND ADD TO PORT CHARLOTTE PARCEL ID #: 0998198106  
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**

Chapter 105.1, Florida Building Code - Permit required.

**Violation Text**

Above ground pool in rear of property, as well as shed, and pergola with no permit on file for any of them.

**Violation Corrective Action**

Obtain required permit within ten (10) days from the date of this Notice. For additional information, go to: <http://cityofnorthport.com/index.aspx?page=121>

**Violation Description**

Section 42-24(a)(2)(b) North Port City Code, Maintenance of stormwater drainage area. Every lot owner is responsible for maintenance of the stormwater drainage systems within the city's road rights-of-way located adjacent to their lot, unless excused from this responsibility as further provided by this section. These maintenance responsibilities are limited to the following areas: (2) Open swale drainage (with sidewalk) - From the edge of the pavement to the owner's unencumbered lot line (see EXHIBIT B). b. Properly mowing the grassed area within the swale to effectively maintain the flow of stormwater through the culvert and to maintain a neat appearance free from excessive growth and impinging growth, including removal of grass, weeds, bushes, sand, silt, and any other debris at both ends of any driveway culvert pipe. Failure to abide by this maintenance requirement is a violation to this code unless otherwise excused as provided for in subsections (8) and (9) of this section, or where the city owns the right-of-way in fee title.

**Violation Text**

Three (3) New Palm trees planted in City Right-of-way of which cannot be there.

**Violation Corrective Action**

Maintain the right-of-way with respect to the items mentioned above within ten (10) days of 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:***

HENLEY LEE BURTON  
Inspector  
Neighborhood Development Services  
(941) 429-7265  
e-mail: [hburton@cityofnorthport.com](mailto:hburton@cityofnorthport.com)





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

CITY OF NORTH PORT, FLORIDA }  
Petitioner, }  
vs. }  
LUBA PROKOSA }  
Respondent(s) }  
ADDRESS OF VIOLATION: }  
6093 FABIAN RD }  
North Port, FL }  
PARCEL ID.: # 0998198106 }

CASE NO.: 22-2556

**AFFIDAVIT OF MAILING AND POSTING**


STATE OF FLORIDA :  
: ss  
COUNTY OF SARASOTA :

The undersigned, William Kiddy, upon his oath, deposes and says:

On January 13, 2023, the Respondent(s) was served with a NOTICE OF MANDATORY HEARING dated December 22, 2022 by posting said Notice at City Hall, 4970 City Hall Boulevard, North Port, FL, and mailing said notice via U.S. Postal Service (Certified Mail) to 6093 FABIAN RD NORTH PORT FL 34287-2224, a copy of which is attached.


FURTHER AFFIANT SAYETH NAUGHT.

**DATED: January 13** 2023

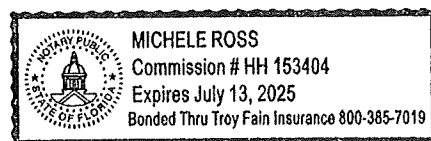
  
\_\_\_\_\_  
William Kiddy, Affiant  
Recording Secretary

STATE OF FLORIDA  
COUNTY OF SARASOTA

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 13<sup>th</sup> day of January 2023, by William Kiddy.

  
\_\_\_\_\_  
Notary Public - State of Florida

X Personally Known OR \_\_\_ Produced Identification  
Type of Identification Produced \_\_\_\_\_



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

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$ \_\_\_\_\_

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ \_\_\_\_\_

Return Receipt (electronic) \$ \_\_\_\_\_

Certified Mail Restricted Delivery \$ \_\_\_\_\_

Adult Signature Required \$ \_\_\_\_\_

Adult Signature Restricted Delivery \$ \_\_\_\_\_

DEC 27 2022

Postmark  
Here

USPS 94203

Postage \$ \_\_\_\_\_

**CE WK 22-2556**

**LUBA PROKOSA**  
**6093 FABIAN RD**  
**NORTH PORT FL 34287-2224**

7022 2410 0002 3544 9146

PS Form 3811, April 2019 PSN 7530-02-000-9053

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- 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 22-2556**

**LUBA PROKOSA**  
**6093 FABIAN RD**  
**NORTH PORT FL 34287-2224**






9590 9402 7832 2234 0347 36

2. Article Number (Transfer from service label)

7022 2410 0002 3544 9146

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature   Agent  
 Addressee

B. Received by (Printed Name)  C. Date of Delivery 

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt



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

**CITY OF NORTH PORT, FLORIDA** }  
 Petitioner, }  
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 Respondent(s) }  
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**ADDRESS OF VIOLATION:** }  
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**NORTH PORT, FL.** }  
**PARCEL ID.: 0998198106** }

CASE NO.: 22-2556

**STATE OF FLORIDA** :  
 : SS  
**COUNTY OF SARASOTA** :

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

**AFFIDAVIT OF POSTING**

On December 29, 2022 the Respondent(s) was served with a NOTICE OF MANDATORY HEARING by posting said Notice at 6093 FABIAN RD, NORTH PORT, FLORIDA, a copy of which is attached.

FURTHER AFFIANT SAYETH NAUGHT.

**DATED:** December 29 2022

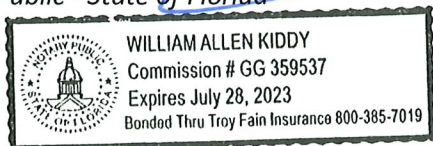
  
 HENLEY LEE BURTON, Affiant  
 Neighborhood Development Services

STATE OF FLORIDA  
 COUNTY OF SARASOTA

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 29 day of December 2022 by HENLEY LEE BURTON.

  
 Notary Public - State of Florida

X Personally Known OR \_\_\_ Produced Identification  
 Type of Identification Produced \_\_\_\_\_





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

CITY OF NORTH PORT, FLORIDA }  
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 vs. }  
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 ADDRESS OF VIOLATION: }  
 6093 FABIAN RD }  
 NORTH PORT, FL. }  
 PARCEL ID.: 0998198106 }

CASE NO.: 22-2556

STATE OF FLORIDA :  
 : ss  
 COUNTY OF SARASOTA :

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

**AFFIDAVIT OF POSTING**

On December 7, 2022 the Respondent(s) was served with a NOTICE OF MANDATORY HEARING by posting said Notice at 6093 FABIAN RD, NORTH PORT, FLORIDA, a copy of which is attached.


FURTHER AFFIANT SAYETH NAUGHT.

**DATED:** December 7 2022

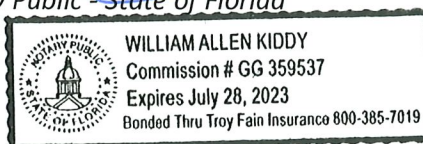
  
 HENLEY LEE BURTON, Affiant  
 Neighborhood Development Services

STATE OF FLORIDA  
 COUNTY OF SARASOTA

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 7 day of December 2022 by HENLEY LEE BURTON.

  
 Notary Public - State of Florida

X Personally Known OR \_\_\_ Produced Identification  
 Type of Identification Produced \_\_\_\_\_







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

CITY OF NORTH PORT, FLORIDA }  
Petitioner, }  
vs. }  
LUBA PROKOSA }  
Respondent(s) }  
ADDRESS OF VIOLATION: }  
6093 FABIAN RD }  
North Port, FL }  
PARCEL ID.: # 0998198106 }

CASE NO.: 22-2556

**AFFIDAVIT OF MAILING AND POSTING**

STATE OF FLORIDA :  
: SS  
COUNTY OF SARASOTA :

The undersigned, William Kiddy, upon his oath, deposes and says:

On December 09, 2022, the Respondent(s) was served with a NOTICE OF MANDATORY HEARING dated November 07, 2022 by posting said Notice at City Hall, 4970 City Hall Boulevard, North Port, FL, and mailing said notice via U.S. Postal Service (Certified Mail) to 6093 FABIAN RD NORTH PORT FL 34287-2224, a copy of which is attached.

FURTHER AFFIANT SAYETH NAUGHT.

**DATED: December 9** 2022

  
\_\_\_\_\_  
William Kiddy, Affiant  
Recording Secretary

STATE OF FLORIDA  
COUNTY OF SARASOTA

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 9<sup>th</sup> day of December 2022, by William Kiddy.

  
\_\_\_\_\_  
Notary Public - State of Florida

X Personally Known OR \_\_\_ Produced Identification  
Type of Identification Produced \_\_\_\_\_





**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. }  
LUBA PROKOSA }  
Respondent(s) }  
ADDRESS OF VIOLATION: }  
6093 Fabian Rd }  
North Port, FL }  
PARCEL ID.: 0998198106 }

CASE NO.: 22-2556  
CERTIFIED MAIL NO.: 70221670000175883485

**NOTICE OF MANDATORY HEARING**

Pursuant to the attached NOTICE OF CONTINUANCE dated *September 22, 2022*, **YOU ARE HEREBY FORMALLY NOTIFIED** that at **9:00 a.m.**, or as soon thereafter as possible, **on December 22, 2022**, 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 *June 16, 2022*, was previously served by **REGULAR MAIL**.

The attached **NOTICE OF CONTINUANCE** 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 *December 22, 2022*, to present your case with regard to the violation stated in the attached AFFIDAVIT OF VIOLATION.

PLEASE READ THE ATTACHED **STATEMENT OF HEARING PROCEDURES**, CHAPTER 162, FLORIDA STATUTES, AND CHAPTER 2, CODE OF THE CITY OF NORTH PORT, FLORIDA.

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 NOTICE OF CONTINUANCE, 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 6093 FABIAN RD NORTH PORT FL 34287-2224.

**DATED:** November 7, 2022



SERVER – CITY OF NORTH PORT





**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. }  
LUBA PROKOSA }  
Respondent(s) }  
ADDRESS OF VIOLATION: }  
6093 Fabian Rd }  
North Port, FL }  
PARCEL ID.: 0998198106 }

CASE NO.: 22-2556  
CERTIFIED MAIL NO.: 70203160000101941917

**NOTICE OF CONTINUANCE**

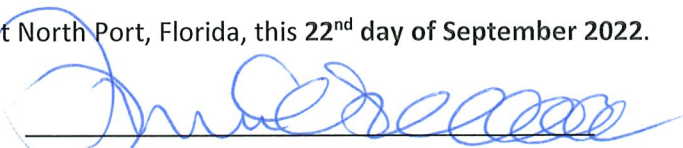
The HEARING OFFICER having reviewed the file and being further advised concerning the above styled cause at a public hearing on September 22, 2022, FINDS the MOTION FOR CONTINUANCE to be well taken. It is thereupon:

**ORDERED** that this cause be rescheduled from September 22, 2022, to October 27, 2022, at 9:00 a.m. in CITY CHAMBERS, CITY HALL, 4970 City Hall Boulevard, North Port, Florida 34286, with the instruction that if compliance is achieved the:

**Respondent shall notify the Code Enforcement Division IN WRITING to request a re-inspection using the "Request for Re-Inspection" form that is attached to this Order.**

Respondent shall provide the completed form to the **Code Enforcement Division Manager at 4970 City Hall Boulevard, North Port, FL 34286** or FAX TO **(941) 429-7195**. Failure to provide the completed written Request for Re-inspection form to the Property Standards Division Manager will result in the Respondent being assessed additional fines for said violation. Proof of Compliance is required from the Code Enforcement Inspector before any assessed fine ceases to accrue unless otherwise ordered by the HEARING OFFICER.

**DONE and ORDERED**, for the City of North Port North Port, Florida, this 22<sup>nd</sup> day of September 2022.

  
\_\_\_\_\_  
JAMES E. TOALE  
HEARING OFFICER

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of this ORDER FOR CONTINUANCE has been furnished by **Certified Mail, Return Receipt Requested**, to 6093 FABIAN RD NORTH PORT FL 34287-2224 this 12<sup>th</sup> day of September 2022. *October*

  
\_\_\_\_\_  
SERVER - CITY OF NORTH PORT





# CITY OF NORTH PORT

SARASOTA COUNTY, FLORIDA

4970 City Hall Boulevard – North Port, FL. 34286

Telephone: (941) 429-7186 Fax: (941) 429-7195

## REQUEST FOR RE-INSPECTION

(Please Print)

Case No.: 22-2556

Parcel ID No.: 0998198106

TODAY'S DATE: \_\_\_\_\_

REAL PROPERTY ADDRESS: 6093 FABIAN RD  
(Location of Violation)

PROPERTY OWNER: LUBA PROKOSA

COMPANY NAME: \_\_\_\_\_

CURRENT MAILING ADDRESS: 6093 FABIAN RD NORTH PORT FL 34287-2224

TELEPHONE NUMBER(S): (\_\_\_\_) \_\_\_\_\_ -- \_\_\_\_\_ DAY

(\_\_\_\_) \_\_\_\_\_ -- \_\_\_\_\_ EVENING

(\_\_\_\_) \_\_\_\_\_ -- \_\_\_\_\_ CELL

(\_\_\_\_) \_\_\_\_\_ -- \_\_\_\_\_ FAX

E-MAIL ADDRESS: *(Optional)* \_\_\_\_\_

SIGNATURE OF PROPERTY OWNER: \_\_\_\_\_  
(SIGNATURE REQUIRED)

By signing above I specifically authorize City of North Port, Code Enforcement Division staff to enter my property for the purpose of performing the Re-Inspection which I have requested.



## CODE ENFORCEMENT HEARING PROCEDURES

You have been issued a Notice of Mandatory Hearing. At the scheduled hearing, the City's Hearing Officer will determine if you have violated one or more provisions of the Code of the City of North Port, the City's Unified Land Development Code, or the Florida Building Code as alleged. Please read the below information carefully regarding your rights under the law and the hearing procedure.

### I. RIGHTS/PROCEDURES

1. On the day of the hearing you will be given the opportunity to present evidence showing why you should not be found in violation of the code provision(s) as alleged. You have the right to represent yourself at the hearing. You also have the right, at your own expense, to the following:
  - a. Have your own personal attorney represent you during the hearing by filing a Notice of Representation, signed by the attorney, with the City Clerk's Office at least five (5) days prior to the hearing date;
  - b. Have a non-attorney represent you during the hearing by completing the attached Designation of Power of Attorney form and filing a notarized copy with the City Clerk's Office at least five (5) days prior to the hearing date;
  - c. Record the hearing; and
  - d. Present and question your own witnesses and any witnesses testifying against you.
2. During the hearing, a Code Enforcement Inspector or Police Officer will present evidence of the alleged violation. You will then be given the opportunity to present your testimony, witnesses, and evidence to rebut the Code Enforcement Inspector's or Police Officer's evidence. The Hearing Officer is also permitted to ask questions of either party and/or their witnesses if desired. The hearing will be recorded, and all testimony will be taken under oath or affirmation.
3. Evidence submitted as an exhibit to your case, such as pictures and written statements, will become a permanent part of the case and made part of the record. Once part of the record, it is possible that these items will not be returned to you. Therefore, please bring copies of any evidence you will submit as an exhibit. Please be aware: electronic submittals, such as pictures on your phone, cannot be made a part of the record. All items included in the record must be in a hardcopy or printed format.
4. If you have a Code Enforcement case and the violation is corrected and then recurs, or if the violation is not corrected by the time specified for correction by the Code Enforcement Inspector, your case may still be presented before the Hearing Officer, even if the violation has been corrected prior to the hearing date.

Note: Daily fines can run concurrently for each violation. A fine imposed by the Hearing Officer and recorded with the Clerk of the Circuit Court, shall accrue to the maximum of each violation until the violation comes into compliance and such compliance is confirmed, or the maximum cumulative fine has been reached.

For questions concerning your hearing, please contact Code Enforcement at (941) 429-7186.



**CITY OF NORTH PORT**  
**NEIGHBORHOOD DEVELOPMENT SERVICES DIVISION - CODE ENFORCEMENT**  
 4970 City Hall Boulevard, North Port, FL 34286  
 Telephone: (941) 429-7186 Fax: (941) 429-7195

**REQUEST FOR RE-INSPECTION**  
 (Please Print)

CASE #: \_\_\_\_\_ - \_\_\_\_\_

TODAY'S DATE: \_\_\_\_\_

REAL PROPERTY ADDRESS: \_\_\_\_\_  
 (Location of Violation) (Street Number) (Street Name)

PARCEL ID #: \_\_\_\_\_ - \_\_\_\_\_

NATURE OF VIOLATION: \_\_\_\_\_  
 (Brief Description)

Chapter: \_\_\_\_\_

Section: \_\_\_\_\_

NAME OF PROPERTY OWNER: \_\_\_\_\_  
 (First Name) (Last Name)

\_\_\_\_\_  
 (Company Name)

CURRENT MAILING ADDRESS: \_\_\_\_\_  
 (Street Number) (Street Name)

\_\_\_\_\_  
 (or P.O. Box Number)

\_\_\_\_\_  
 (City) (State) (Zip Code)

TELEPHONE NUMBER (S): (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (Day)

(\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (Evening)

(\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (Cell)

(\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (Fax)

E-MAIL ADDRESS: (Optional) \_\_\_\_\_

SIGNATURE OF PROPERTY OWNER: \_\_\_\_\_  
 (Signature Required)





City of North Port  
NEIGHBORHOOD DEVELOPMENT SERVICES  
Code Enforcement Division  
Phone: (941) 429-7186  
Fax: (941) 429-7195  
Email: [kraducci@northportfl.gov](mailto:kraducci@northportfl.gov)



## MEMORANDUM

Due to Hurricane Ian, The Code Enforcement Hearing  
that was scheduled for Thursday October 27, 2022, at 09:00 AM at:  
4970 City Hall Boulevard North Port Florida 34286  
**has been cancelled.**

Once we can schedule, you will be notified on next available hearing date  
via regular and certified mail.

If you have questions, or if your property meets compliance, please call  
941-429-7186  
or  
email: [kraducci@northportfl.gov](mailto:kraducci@northportfl.gov) to schedule a re-inspection.



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

CITY OF NORTH PORT, FLORIDA }  
Petitioner, }  
vs. }  
LUBA PROKOSA }  
Respondent(s) } CASE NO.: 22-2556  
ADDRESS OF VIOLATION: }  
6093 FABIAN RD }  
North Port, FL }  
PARCEL ID.: # 0998198106 }

**AFFIDAVIT OF MAILING AND POSTING**

STATE OF FLORIDA :  
: SS  
COUNTY OF SARASOTA :

The undersigned, Michele Ross, upon her oath, deposes and says:

On September 9, 2022, the Respondent(s) was served with a NOTICE OF MANDATORY HEARING dated September 03, 2022 by posting said Notice at City Hall, 4970 City Hall Boulevard, North Port, FL, and mailing said notice via U.S. Postal Service (Certified Mail) to 6093 FABIAN RD NORTH PORT FL 34287-2224, a copy of which is attached.

FURTHER AFFIANT SAYETH NAUGHT.

**DATED: September 12, 2022**

*Michele Ross*

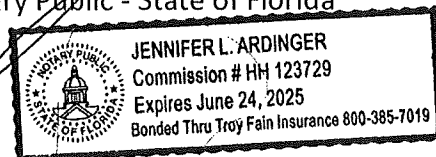
Michele Ross, Affiant  
Recording Secretary

STATE OF FLORIDA  
COUNTY OF SARASOTA

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 12<sup>th</sup> day of September 2022, by Michele Ross.

Notary Public - State of Florida

X Personally Known OR \_\_\_ Produced Identification  
Type of Identification Produced \_\_\_\_\_



## Kevin Raducci

---

**To:** Henley Burton; Michele Ross; Candice Cummings  
**Subject:** Please grant 1 month Continuance. 22-2556

Henley

Please read the following:

9/12/2022, 1:15:35 PM KRADUCCI

Arlene Blair 941.321.8389 has taken over house because her mother died back in July 2022. She will get all violations corrected but she needs time. She is in CA right now a NEEDS a Continuance for this case at least a month

Please grant a continuance for Ms. Blair to get her affairs in order.

9/12/2022, 1:20:09 PM KRADUCCI

TY

***Attention: Please note my email and city website mail has changed below.***

Thank you very much!

Kevin M. Raducci  
Code Enforcement Division Manager  
Neighborhood Development Services Department  
4970 City Hall Boulevard  
North Port Florida 34286  
O: 941.429.7184  
C: 941.875.5477

[kraducci@northportfl.gov](mailto:kraducci@northportfl.gov)  
[www.northportfl.gov](http://www.northportfl.gov)



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

**CITY OF NORTH PORT, FLORIDA** }  
 Petitioner, }  
 vs. }  
**LUBA PROKOSA** }  
 Respondent(s) }  
 }  
**ADDRESS OF VIOLATION:** }  
**6093 FABIAN RD** }  
**NORTH PORT, FL.** }  
**PARCEL ID.: 0998198106** }

CASE NO.: 22-2556

**STATE OF FLORIDA** :  
 : SS  
**COUNTY OF SARASOTA** :

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

**AFFIDAVIT OF POSTING**

On September 12, 2022 the Respondent(s) was served with a NOTICE OF MANDATORY HEARING by posting said Notice at 6093 FABIAN RD, NORTH PORT, FLORIDA, a copy of which is attached.

FURTHER AFFIANT SAYETH NAUGHT.

**DATED:** September 12 2022

  
 HENLEY LEE BURTON, Affiant  
 Neighborhood 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 12<sup>th</sup> day of September 2022 by HENLEY LEE BURTON.

  
 Notary Public - State of Florida

X Personally Known OR \_\_\_ Produced Identification  
 Type of Identification Produced \_\_\_\_\_





**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. }  
LUBA PROKOSA }  
Respondent(s) }  
ADDRESS OF VIOLATION: }  
6093 Fabian Rd }  
North Port, FL }  
PARCEL ID.: 0998198106 }

CASE NO.: 22-2556  
CERTIFIED MAIL NO.: 70203160000101938696

**NOTICE OF MANDATORY HEARING**

Pursuant to the attached AFFIDAVIT OF VIOLATION dated *August 11, 2022*, **YOU ARE HEREBY FORMALLY NOTIFIED** that at *9:00 a.m.*, or as soon thereafter as possible, **on September 22, 2022**, 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 *June 16, 2022*, 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 **September 22, 2022**, to present your case with regard to the violation stated in the attached AFFIDAVIT OF VIOLATION.

PLEASE READ THE ATTACHED **STATEMENT OF HEARING PROCEDURES**, CHAPTER 162, FLORIDA STATUTES, AND CHAPTER 2, CODE OF THE CITY OF NORTH PORT, FLORIDA.

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.

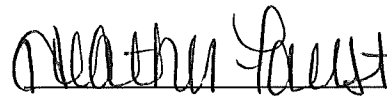
Although you may represent yourself, you have the right to an attorney at your own expense to represent you before the HEARING OFFICER. You have the right to record the proceedings of the hearing at your own expense. You also will have the opportunity to present witnesses as well as question the witnesses 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.

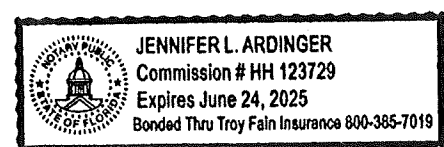


HEATHER FAUST, City Clerk

**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 6093 FABIAN RD NORTH PORT FL 34287.

**DATED:** September 9, 2022

  
SERVER – CITY OF NORTH PORT





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

<b>CITY OF NORTH PORT, FLORIDA</b>	}	
Petitioner,	}	
vs.	}	
<b>LUBA PROKOSA</b>	}	
Respondent(s)	}	CASE NO.: 22-2556
	}	
<b>ADDRESS OF VIOLATION:</b>	}	
6093 FABIAN RD	}	
NORTH PORT, FL.	}	
PARCEL ID.: 0998198106	}	

**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 June 16, 2022, by first class mail, a copy of which is attached.

(1) The following complaint was received in the Property Standards Division:

6/10/2022, 3:33:55 PM HBURTON  
 Homeowner has a above ground pool in their backyard with no permit and they have several trees planted in the right of way. Ron 941-549-9463

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

**Violation Description**

Chapter 105.1, Florida Building Code - Permit required.

**Violation Text**

Above ground pool in rear of property, as well as shed, and pergola with no permit on file for any of them.

**Violation Corrective Action**

Obtain required permit within ten (10) days from the date of this Notice. For additional information, go to: <http://cityofnorthport.com/index.aspx?page=121>

**Violation Description**

Section 42-24(a)(2)(b) North Port City Code, Maintenance of stormwater drainage area. Every lot owner is responsible for maintenance of the stormwater drainage systems within the city's road rights-of-way located adjacent to their lot, unless excused from this responsibility as further provided by this section. These maintenance responsibilities are limited to the following areas: (2) Open swale drainage (with

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**Violation Text**

Three (3) New Palm trees planted in City Right-of-way of which cannot be there.

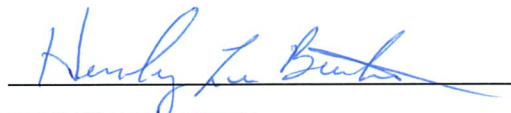
**Violation Corrective Action**

Maintain the right-of-way with respect to the items mentioned above within ten (10) days of the date of this notice.

**(3) Field Inspection Notes:**

on inspection I verified homeowner has 3 new palm trees planted in the right of way. ...homeowner also has a violation of an above ground pool, shed and pergola in backyard with no permit on file.  
posted on property  
homeowner is still in violation

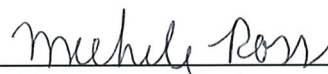
DATED: August 12, 2022



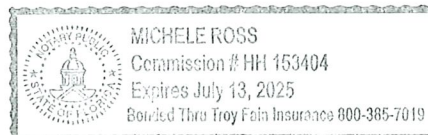
HENLEY LEE BURTON  
Inspector  
Neighborhood Development Services  
City of North Port  
4970 City Hall Boulevard  
North Port, Florida 34286

STATE OF FLORIDA  
COUNTY OF SARASOTA

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 12<sup>th</sup> day of August 2022, by HENLEY LEE BURTON.

  
\_\_\_\_\_  
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**

LUBA PROKOSA  
6093 FABIAN RD  
NORTH PORT, FL 34287-2224

**DATE:** June 16, 2022

PSI CASE NO.: 22-2556  
REAL PROPERTY ADDRESS: 6093 FABIAN RD, NORTH PORT, FLORIDA  
LOT 6 BLK 1981 42ND ADD TO PORT CHARLOTTE PARCEL ID #: 0998198106  
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**

Chapter 105.1, Florida Building Code - Permit required.

**Violation Text**

Above ground pool in rear of property, as well as shed, and pergola with no permit on file for any of them.

**Violation Corrective Action**

Obtain required permit within ten (10) days from the date of this Notice. For additional information, go to: <http://cityofnorthport.com/index.aspx?page=121>

**Violation Description**

Section 42-24(a)(2)(b) North Port City Code, Maintenance of stormwater drainage area. Every lot owner is responsible for maintenance of the stormwater drainage systems within the city's road rights-of-way located adjacent to their lot, unless excused from this responsibility as further provided by this section. These maintenance responsibilities are limited to the following areas: (2) Open swale drainage (with sidewalk) - From the edge of the pavement to the owner's unencumbered lot line (see EXHIBIT B). b. Properly mowing the grassed area within the swale to effectively maintain the flow of stormwater through the culvert and to maintain a neat appearance free from excessive growth and impinging growth, including removal of grass, weeds, bushes, sand, silt, and any other debris at both ends of any driveway culvert pipe. Failure to abide by this maintenance requirement is a violation to this code unless otherwise excused as provided for in subsections (8) and (9) of this section, or where the city owns the right-of-way in fee title.





22-2 556

**Property Record Information for 0998198106**

**Ownership:**  
 PROKOSA LUBA  
 6093 FABIAN RD, NORTH PORT, FL, 34287-2224  
**Situs Address:**  
 6093 FABIAN RD NORTH PORT, FL, 34287

**Land Area:** 7,500 Sq.Ft.  
**Municipality:** City of North Port  
**Subdivision:** 1683 - PORT CHARLOTTE SUB 42  
**Property Use:** 0100 - Single Family Detached  
**Status:** OPEN  
**Sec/Twp/Rge:** 31-39S-21E  
**Census:** 121150027101  
**Zoning:** RSF2 - RESIDENTIAL, SINGLE FAMILY  
**Total Living Units:** 1  
**Parcel Description:** LOT 6 BLK 1981 42ND ADD TO PORT CHARLOTTE

**Buildings**

<u>Situs - click address for building details</u> <sup>i</sup>	<u>Bldg #</u>	<u>Beds</u>	<u>Baths</u>	<u>Half Baths</u>	<u>Year Built</u>	<u>Eff Yr Built</u> <sup>i</sup>	<u>Gross Area</u>	<u>Living Area</u>	<u>Stories</u>
6093 FABIAN RD NORTH PORT, FL, 34287	1	3	2	0	1974	1994	2,192	1,568	1

**Extra Features**

There are no extra features associated with this parcel

**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> <sup>i</sup>
2022	\$27,600	\$144,300	\$0	\$171,900	\$66,300	\$41,800	\$24,500	\$105,600
2021	\$22,700	\$106,500	\$0	\$129,200	\$64,369	\$39,869	\$24,500	\$64,831
2020	\$24,800	\$95,100	\$0	\$119,900	\$63,480	\$38,980	\$24,500	\$56,420
2019	\$22,300	\$92,700	\$0	\$115,000	\$62,053	\$37,553	\$24,500	\$52,947
2018	\$17,300	\$100,000	\$400	\$117,700	\$60,896	\$36,396	\$24,500	\$56,804
2017	\$11,300	\$88,400	\$0	\$99,700	\$51,988	\$27,488	\$24,500	\$47,712
2016	\$6,400	\$83,400	\$0	\$89,800	\$50,919	\$26,419	\$24,500	\$38,881
2015	\$5,400	\$67,000	\$0	\$72,400	\$50,565	\$26,065	\$24,500	\$21,835
2014	\$4,700	\$52,200	\$0	\$56,900	\$45,110	\$25,500	\$19,610	\$11,790
2013	\$5,300	\$44,700	\$0	\$50,000	\$44,443	\$25,500	\$18,943	\$5,557

**Current Exemptions**

<u>Grant Year</u> <sup>i</sup>	<u>Value</u>
2000	\$500.00
1989	\$16,300.00
1989	\$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>
7/1/1987	\$54,000	1963/389	01		NA

**Associated Tangible Accounts**

There are no associated tangible accounts for this parcel

Property record information last updated on: 8/8/2022

FEMA Flood Zone (Data provided by Sarasota County Government as of 7/5/2022)  
 Different portions of a property can be in different flood zones. Please click on MAP link below to see the flood zones.



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

<b>CITY OF NORTH PORT, FLORIDA</b>	}	
Petitioner,	}	
vs.	}	
<b>LUBA PROKOSA</b>	}	
Respondent(s)	}	CASE NO.: 22-2556
	}	
<b>ADDRESS OF VIOLATION:</b>	}	
<b>6093 FABIAN RD</b>	}	
NORTH PORT, FL.	}	
PARCEL ID.: 0998198106	}	

**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 June 16, 2022, by first class mail, a copy of which is attached.

(1) The following complaint was received in the Property Standards Division:

6/10/2022, 3:33:55 PM HBURTON  
Homeowner has a above ground pool in their backyard with no permit and they have several trees planted in the right of way. Ron 941-549-9463

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

**Violation Description**  
Chapter 105.1, Florida Building Code - Permit required.

**Violation Text**  
Above ground pool in rear of property, as well as shed, and pergola with no permit on file for any of them.

**Violation Corrective Action**  
Obtain required permit within ten (10) days from the date of this Notice. For additional information, go to: <http://cityofnorthport.com/index.aspx?page=121>

**Violation Description**  
Section 42-24(a)(2)(b) North Port City Code, Maintenance of stormwater drainage area. Every lot owner is responsible for maintenance of the stormwater drainage systems within the city's road rights-of-way located adjacent to their lot, unless excused from this responsibility as further provided by this section. These maintenance responsibilities are limited to the following areas: (2) Open swale drainage (with

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**Violation Text**

Three (3) New Palm trees planted in City Right-of-way of which cannot be there.

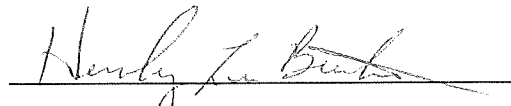
**Violation Corrective Action**

Maintain the right-of-way with respect to the items mentioned above within ten (10) days of the date of this notice.

**(3) Field Inspection Notes:**

on inspection I verified homeowner has 3 new palm trees planted in the right of way. ...homeowner also has a violation of an above ground pool, shed and pergola in backyard with no permit on file.  
posted on property  
homeowner is still in violation

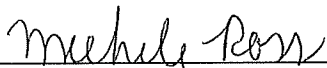
DATED: August 12, 2022



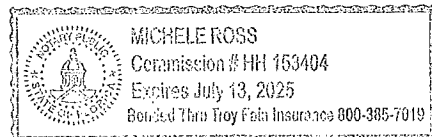
HENLEY LEE BURTON  
Inspector  
Neighborhood Development Services  
City of North Port  
4970 City Hall Boulevard  
North Port, Florida 34286

STATE OF FLORIDA  
COUNTY OF SARASOTA

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 12<sup>th</sup> day of August 2022, by HENLEY LEE BURTON.

  
\_\_\_\_\_  
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**

LUBA PROKOSA  
6093 FABIAN RD  
NORTH PORT, FL 34287-2224

**DATE:** June 16, 2022

PSI CASE NO.: 22-2556  
REAL PROPERTY ADDRESS: 6093 FABIAN RD, NORTH PORT, FLORIDA  
LOT 6 BLK 1981 42ND ADD TO PORT CHARLOTTE PARCEL ID #: 0998198106  
SERVED BY: FIRST CLASS MAIL

**NOTICE OF VIOLATION**

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**Violation Description**

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**Violation Text**

Three (3) New Palm trees planted in City Right-of-way of which cannot be there.

**Violation Corrective Action**

Maintain the right-of-way with respect to the items mentioned above within ten (10) days of 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:***

HENLEY LEE BURTON  
Inspector  
Neighborhood Development Services  
(941) 429-7265  
e-mail: [hburton@cityofnorthport.com](mailto:hburton@cityofnorthport.com)

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

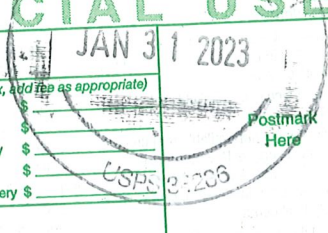
For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy)
- Return Receipt (electronic)
- Certified Mail Restricted Delivery
- Adult Signature Required
- Adult Signature Restricted Delivery



Postage \$

**CE WK 22-2556**

**LUBA PROKOSA**  
**6093 FABIAN RD**  
**NORTH PORT FL 34287-2224**

PS Form 3800, April 2017 PSN 7530-02-000-9053 See Reverse for Instructions

7022 2410 0002 3545 2504

**SENDER: COMPLETE THIS SECTION**

- 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 22-2556**  
**LUBA PROKOSA**  
**6093 FABIAN RD**  
**NORTH PORT FL 34287-2224**



9590 9402 7832 2234 0327 18

2. Article Number (Transfer from service label)

7022 2410 0002 3545 2504

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature **X** *[Signature]*  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery **2/2/23**

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

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

For delivery information, visit our website at [www.usps.com](http://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

\$  
 \$  
 \$  
 \$  
 \$  
 \$

**LUBA PROKOSA**  
**6093 FABIAN ROAD**  
**NORTH PORT FL 34287**



CEMR

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 3160 0001 0193 8696

**SENDER: COMPLETE THIS SECTION**

- 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:

#22-2556

**LUBA PROKOSA**  
**6093 FABIAN ROAD**  
**NORTH PORT FL 34287**



9590 9402 7505 2098 3604 69

CEMR

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

X *S. Martorelli*

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- |   |   |
|---|---|
| <input type="checkbox"/> Adult Signature                                  | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery              | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®                       | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery               | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery                              | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery          |   |
| <input type="checkbox"/> Registered Mail Restricted Delivery (over \$500) |   |

7020 3160 0001 0193 8696

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt





**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT**

Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL U.S. MAIL**

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

NOV - 7 2022

Postmark Here

Postage

#22-2556

**LUBA PROKOSA  
6093 FABIAN ROAD  
NORTH PORT FL 34287**

7022 1670 0001 7588 3485

PS Form 3800, April 2010 PSN 7530-02-000-9047

See Reverse for Instructions

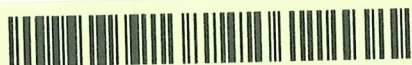
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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

**CE WK 22-2556**

**LUBA PROKOSA  
6093 FABIAN RD  
NORTH PORT FL 34287-2224**



9590 9402 7808 2152 6400 43

2. Article Number (Transfer from service label)

7022 1670 0001 7588 3485

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X**

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Mail Restricted Delivery (00)