



AGENDA	
Section	NEW BUSINESS
Item No.	VI C 1

Meeting Date
May 3, 2016

AGENDA REPORT
 BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	BOARD CONSIDERATION RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR AZMI & GLENDA SULTAN, TITUSVILLE, FL (DIST. 1) FY16 FISCAL IMPACT - \$53,991 FINE/\$44,291 REDUCTION=\$9,700 PAYMENT DUE				
DEPT/OFFICE:	Central Services Office/Clerk to the Special Magistrate/for Planning and Development				
Requested Action:	It is requested that the Board consider the Special Magistrate's recommendation to reduce the accrued fine for the violation at 7861 Windover Way, Titusville, FL 32780; Case 11CE-01082 (06-3566), from \$53,991 to \$9,700 and direct staff to prepare and execute a release and satisfaction of lien upon receipt of payment.				
Summary Explanation & Background:	<p>On February 18, 2016, the Code Enforcement Special Magistrate, upon petition of new owner, Azmi Sultan, reviewed the basis for reduction of the fine, heard testimony from Azmi Sultan and the County, and reviewed the Minutes and other documents from the original hearing.</p> <p>This cause was initially heard during public hearing before the Code Enforcement Special Magistrate on 09/21/06 after due notice to the Respondent and previous owner, Richard Milton. The violation was for four sheds and pole barn/accessory building constructed without building permits. The Special Magistrate heard testimony under oath, received evidence, and issued Findings of Fact, Conclusions of Law and Order, and thereupon issued his oral Order which was reduced to writing and furnished to the Respondent.</p> <p>The Special Magistrate's Order found the Respondent to have committed the violation. The fine accrued at a rate of \$25 per day from 10/21/06 to the compliance date of 03/24/15 to the maximum of \$53,991, which was 35% of the assessed value of the property. This case was brought back to the Special Magistrate on 04/19/07 because the Respondent did not comply in a timely manner with the Special Magistrate's Order. An Order Imposing Administrative Fine and/or Costs as Lien was filed against the property and upon any other real or personal property owned by the Respondent, Richard Milton, and recorded in the official records of Brevard County, Book 5700 Page 1873.</p> <p>Testimony and evidence presented by the new owner, Respondent, Azmi Sultan, indicated that the property was in violation for many years. They acquired the property in 2013 and remedied the violations. The animals exceeded the limits of the code. The stench was affecting their quality of life; thus were unable to sell.</p> <p>Findings: After hearing testimony from all parties involved, the Special Magistrate recommended a reduction of the fine from \$53,991 to \$9,700. This reduction is contingent upon payment being made within 30 days of the date that the Board of County Commissioners renders a decision approving the Special Magistrate's recommendation, with an option for the establishment of a payment plan to be created within 30 days of the date that the Board render its decision. If the reduced amount is not paid accordingly, the accrued fine will revert to the original amount due, less payments received. Total actual costs are \$2,157 of which \$550 in enforcement costs have been paid.</p> <p>FY16 FISCAL IMPACT - \$53,991 FINE/\$44,291 REDUCTION/\$9,700 PAYMENT DUE</p> <p>Contacts: Robin M. DiFabio, AICP, Planning & Development Department 633-2069</p>				
Clerk to the Board Instructions:	N/A				
Exhibits Attached:	Findings and Recommendation of the Special Magistrate, Reduction Factor Worksheet, Request for Reduction of Penalty, CAP Report, and copy of Property Appraiser's screen, actual costs worksheet				
Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
County Manager	Director, Central Services Dept.	Department Director / Extension			
Stockton Whitten	Teresa Camarata	Robin M. DiFabio Robin M. DiFabio, AICP, Director, Planning & Development Dept.			



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

May 4, 2016

MEMORANDUM

TO: Robin DiFabio, Planning and Development Director

RE: Item VI.C.1., Request for Reduction of Fine and Release of Code Enforcement Lien for Azmi and Glenda Sultan, Titusville

The Board of Commissioners, in regular session on May 3, 2016, reduced the accrued fine for the violation at 7861 Windover Way, Titusville, Florida 32780, Case No. 11CE-01082 (06-3566), from \$53,991 to \$1,607; and directed staff to prepare and execute release and satisfaction of lien upon receipt of payment.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cm

cc: Central Services
Clerk to the Special Magistrate
Finance
Budget

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA
a political subdivision of the State of Florida,
Petitioner,

CASE NUMBER: 11CE-01082
(Previously recorded as 06-3566)

Property Address:
7861 WINDOVER WAY TITUSVILLE FL 32780
District: 1

vs.

RICHARD MILTON, Previous Owner,
AZMI & GLENDA SULTAN, New Owner,
Respondent(s)

**FINDINGS AND RECOMMENDATION TO
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

Upon petition of New Owner, AZMI SULTAN, the Code Enforcement Special Magistrate, on 2/18/2016, reviewed the basis for reduction of the accrued fine stated in the Request for Reduction of Penalty and Recommendation to Brevard County Board of County Commissioners application provided by AZMI SULTAN, heard testimony from AZMI SULTAN and the County; reviewed the Minutes and other documents from the original hearing, and being fully advised finds:

I. FACTS

1. This cause came on for public hearing before the Code Enforcement Special Magistrate on 9/21/2006 after due notice to the Respondent, RICHARD MILTON, at which time the Code Enforcement Special Magistrate heard testimony under oath, received evidence, and issued his Findings of Fact, Conclusions of Law and Order & Lien for Costs, and thereupon issued his oral Order which was reduced to writing and furnished to the Respondent. Findings of Fact, Conclusions of Law and Order & Lien for Cost recorded in the official records of Brevard County Book 5700, Page 1873.

2. Said order required the Respondent to take certain corrective action for the violation by 10/20/2006, and in the event the violation is not corrected by the specified time a fine of \$25.00 per day will be imposed. Accordingly, it was brought to the Code Enforcement Special Magistrate's attention on 4/19/2007 that the Respondent did not comply with the Special Magistrate's Order, and an Order Imposing Administrative Fine and/or Costs as Lien was filed against the property and upon any other real or personal property owned by the Respondent RICHARD MILTON, and recorded in the official records of Brevard County, Book 5770 at Page 7861.

3. A re-inspection on 3/24/2015 revealed the corrective action ordered by the Code Enforcement Special Magistrate was completed and the inspecting officer filed an Affidavit of Late Compliance. The fine had accrued to the maximum \$53,991.00.

4. Testimony and evidence was presented by AZMI SULTAN, stating:

*Property in violation for many years so require property in
2013 for 78,000 (valued at time with property appraisal
for \$174,910 of remedial violations if they feel should
be reduced to \$0. Property of TIME OF IMPAS, 1300
was valued at \$276,000*

5. Testimony was received from the County stating:

- a) The County objects to the request for reduction **OR**
 The County acknowledges the Special Magistrate's authority to recommend a fine reduction pursuant to Board policy.

b) COUNTY Feels Reduction TO 20% WAS appropriate +
actual unpaid costs \$1606.00

II. FINDINGS

The Special Magistrate weighing the severity of the violations of Four sheds and pole barn/ accessory constructed without building permits.

of diligence of respondents & feels
a Reduction TO 15% plus unpaid actual cost of \$1606 is appropriate
OR \$9700

All of above factors support **do** **do not** support a recommendation of reduction of the accrued fine.

III. RECOMMENDATION

1. Based upon the foregoing factors, the request is DENIED.


OR

1. Based upon the foregoing factors, which in total weigh in favor of reduction of the accrued fine, the Special Magistrate recommends reduction of the accrued fine in the amount of \$53,991.00 to the reduced sum of \$ 9,700.00, contingent upon:

- a. Payment within 30 days of the date the Board of County Commissioners renders a decision approving the Special Magistrate's recommendation.
- b. With an option for the establishment of a payment plan which must be created within 30 days of the date of the Board of County Commissioners rendered decision, and payment plan timely paid accordingly.
- c. If reduced amount is not paid by the above time frame(s) as specified, the accrued fine will revert to the original amount due, less payments received.
- d. The actual costs total: \$2,157.00. Enforcement costs in the amount of \$550.00 have been paid. Balance of actual costs: \$1,607.00.

e 9,700 includes actual unpaid costs

Dated February 18, 2016.


 Stewart B. Capps, Special Magistrate
 Code Enforcement

You have a right to appeal a final administrative Order to the 18th Circuit Court for Brevard County within a period of 30 days in accordance with Brevard County Code Section 2-178.

I HEREBY CERTIFY that a true and correct copy of this Order has been mailed First Class Mail to RICHARD A MILTON & KATHY B MILTON 930 Cavalry Street, Pahrump NV 89048, and AZMI and GLENDA SULTAN (New Owner) 7865 WINDOVER WAY TITUSVILLE FL 32780 on

2/18/16


 Clerk to the Special Magistrate

Mail payment to: Brevard County Code Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940

Hand Delivery

REDUCTION FACTOR WORKSHEET

CASE NUMBER: 11CE-01082(06-3566)

A. Extenuating Circumstances? Circle any that apply.

- 1) The applicant did not have the resource to comply
 - 2) The applicant had a financial hardship
 - 3) The applicant had a medical hardship
 - 4) The applicant was experiencing hard times or was a victim of circumstances.
- Explain: Acquired property from Neighbor & brought property in compliance
- 5) There were technical and/or procedural issues with the case
 - 6) The applicant did not have authority to make corrections (i.e., other legal action pending)
 - 7) The required corrections were complex in nature
 - 8) The applicant's age prevented timely compliance
 - 9) The applicant experienced a language barrier

B. Nature of the violation.

- 1) Heightened health, safety, welfare concern Yes/No
- 2) The amount of time to correct
 - a) 1-60 days
 - b) 61-120 days
 - c) Over 120 days
- 3) Degree of responsibility the applicant contributed to the delay in compliance
 - a) None
 - b) Somewhat
 - c) Complete
- 4) The applicant's level of cooperation with code enforcement
 - a) None
 - b) Somewhat
 - c) Complete
- 5) Did the applicant ever request an extension of the compliance date?

Yes ___ was it granted ___ denied ___ None requested
- 6) If yes, how many extensions were granted?

C. What type of interest does the applicant have on the property?

- 1) Considering acquiring the property
- 2) Foreclosure/Tax Deed Sale
- 3) Inherited property
- 4) Acquired property from the violator
- 5) The applicant was the owner when the violation occurred

D. Financial beneficiary of the fine reduction

- 1) Violator
- 2) New owner who corrected violation
- 3) _____

Original Fine \$53,991.00

Recommend Reduction to \$ 9700

- Contingent on payment within _____ days
- Establish Payment Plan within 30 days, and pay in full by 2 years
- If unpaid, fine will revert to original amount, less payments received

[Signature] 2/18/16
S. Capps

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: Thursday, 2/18/16 9:00 a.m.,
Bldg C, 1st Floor Commission Room, Viera, FL 32940
FAX COMPLETED FORM TO: 321-633-2167
Mail original to: Brevard County Code Enforcement, 2725
Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940
DUE ON OR BEFORE: 1/22/16

Case No. 11CE-01082 (06-3599)
Property Address: 7861 WINDOVER WAY, TITUSVILLE 32780
Previous Owner's Name: RICHARD A & KATHY B MILTON
New Owners: AZMI & GLENDA, SULTAN (azmisultan@live.com)

**REQUEST FOR REDUCTION OF PENALTY and
RECOMMENDATION TO BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**
**(Consider this document your Notice of Hearing-No other notice will be sent for this request
*THIS IS A 2-STEP PROCESS)**

BY COMPLETING THIS FORM, YOU ARE MAKING STATEMENTS UNDER OATH. FAILURE TO BE TRUTHFUL IS A VIOLATION OF FLORIDA STATUTES PERTAINING TO PERJURY, WHICH IS A FELONY PUNISHABLE BY UP TO 15 YEARS IMPRISONMENT.

INSTRUCTIONS: Please review and complete the entire package. **Failure to provide complete information will delay consideration of your request. Enforcement Costs must be paid prior to scheduling case for hearing and are not eligible for reduction.** Be specific when writing your statement. Please return this form to the Special Projects Coordinator in Code Enforcement prior to the above deadline. The Request will then be scheduled for the next available Special Magistrate hearing and before the Board of County Commissioners thereafter. **You must be present at both of the meetings.** If you are claiming medical or financial hardship, you may attach supporting documentation, however they will become public record. If you have any questions, please call (321) 633-2086, Angela ext. 52885 or Dave ext. 52884.

Property Owner's Name: AZMI & GLENDA, SULTAN (New Owners)

Property Owner's Mailing Address: 7865 WINDOVER WAY, TITUSVILLE, FL 32780

Phone Number where you can be reached during the day: (321)438-1100 or (321)278-9200

STATUS OF PROPERTY AS OF INSPECTION MADE BY Sean Donovan ON 3/24/2015

VIOLATION of: Section 104.1.1, FBC, as adopted by Brevard County Code, Four sheds and pole barn/accessary building constructed without building permits

Violation heard on 9/21/2006: fine ordered to accrue at \$25.00 per day from 10/21/2006 to the fine accrued to maximum 35% = \$53,991.00 (3075 days in violation); Fine imposed as lien by Special Magistrate on 4/19/2007.

Enforcement costs in the amount of \$550.00 were paid by previous owners (Milton) on 10/19/2006.

If the property owner is unable to complete this form, list the name of the person who completed this form and is authorized to act for the Property Owner and their relationship to the property owner.

JAN 21 2016

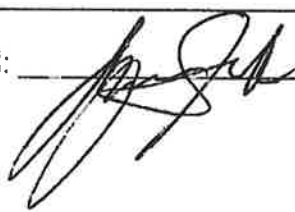
MAKE CERTAIN THAT THIS FORM AND ANY ATTACHMENTS COMPLETELY SET FORTH YOUR POSITION. YOU MUST BE PRESENT TO ANSWER ANY QUESTIONS THE SPECIAL MAGISTRATE MAY HAVE.

I, Azmi SULTAN, do hereby submit this Request for Reduction of Penalty, and in support offer the following statement:

See attached letter

Date: _____

Signed: _____

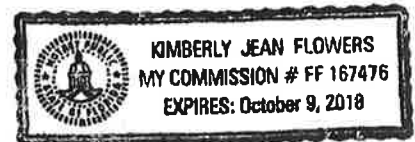
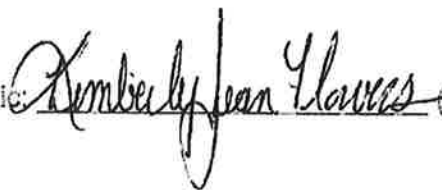


STATE OF FLORIDA
COUNTY OF BREVARD

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, Azmi SULTAN, who first being duly sworn, acknowledged before me that the information contained herein is true and correct. He/she is not personally known to me and has produced a Florida driver's license as identification and did take an oath.

Date: 1/19/16

Notary Public: Kimberly Jean Flowers (seal)



REDUCTION FACTOR WORKSHEET

THIS WORKSHEET MUST BE COMPLETED AS PART OF THE APPLICATION PROCESS

A. Extenuating Circumstances? Circle any that apply.

- 1) The applicant did not have the resource to comply
- 2) The applicant had a financial hardship
- 3) The applicant had a medical hardship N/A
- 4) The applicant was experiencing hard times or was a victim of circumstances.

Explain: _____

- 5) There were technical and/or procedural issues with the case
- 6) The applicant did not have authority to make corrections (i.e., other legal action pending)
- 7) The required corrections were complex in nature
- 8) The applicant's age prevented timely compliance
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 - a) None
 - b) Somewhat
 - c) Complete
- 5) Did the applicant ever request an extension of the compliance date?
Yes _____ was it granted ___ denied ___ None requested _____
- 6) If yes, how many extensions were granted? N/A

C. What type of interest does the applicant have on the property?

- 1) Considering acquiring the property
- 2) Foreclosure/Tax Deed Sale IRS SALE
- 3) Inherited property
- 4) Acquired property from the violator
- 5) The applicant was the owner when the violation occurred

D. Financial beneficiary of the fine reduction

- 1) Violator
- 2) New owner who corrected violation
- 3) _____

.....

Original Fine \$53,991.00 Recommend Reduction to \$ 0
 (Please Enter Amount)

January 18, 2016

RE: 7861 Windover Way Titusville FL, 32780
Code Enforcement lien.

Dear Sir or Madam:

We live behind the subject property at 7865 Windover Way. Our neighbors, Richard and Kathy Milton, lived at 7861 Windover Way. Our neighbors had numerous code violations that were affecting our quality of life. Some of the problems that we dealt with were, including but not limited to:

1. A stench from their horse manure (they had 3 horses and their property was 1.38 acres, and according to the zoning you can only have 1 horse per acre).
2. They, by any standard of the law, exceeded the legal limit of animals; ducks, chickens, turkeys, peacocks, horses, goats, dogs, cats. This posed a health problem because they would leave large amounts of animal feed out which caused rodents, snakes, possums and raccoons to invade the area.
3. They had too many outbuildings; storage sheds, 40' cargo containers, and other man-made structures in which to hoard items, causing it to look unsightly and devalue property values.

We, Azmi and Glenda Sultan, started complaining to code enforcement from November of 2005. Despite their efforts they were ineffective in bringing them into compliance. We suffered for 8 long years with this mess. We tried to sell our home but could not get anyone to buy it because of the stench and visible code violations.

Finally in July of 2013 we bought the property so we could remove the structures and bring the property into compliance. It took us 2 years and a lot of elbow grease to do something that we pay code enforcement to do. It also adds insult to injury if we the victims end up paying the penalties. We are the ones that brought the property into compliance, and then turn around and pay the county thousands of dollars for something that they were supposed to do but could not or would not do.

I request that the penalties should be forgiven for the following reasons:

1. These penalties would cause undue and undeserved financial hardship.
2. We are the victims, having to live beside this violation for 8 years, and we suffered a diminished quality of life as a result.
3. We lost around \$240,000.00 not being able to sell our property when the market was high and favorable for us to sell from 2004 - 2006.
4. We brought the property into compliance and not the county. The county should not be penalizing us, if anything code enforcement should be penalized, and we should be compensated.

Most respectfully,

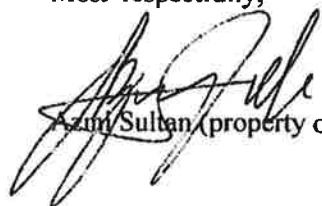

Azmi Sultan (property owner)

EXHIBIT A, B, C, D, E. Attached.

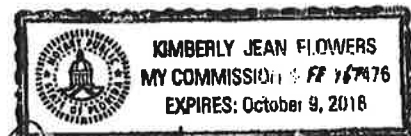






EXHIBIT "A"

Our House. 7865 Windover Way



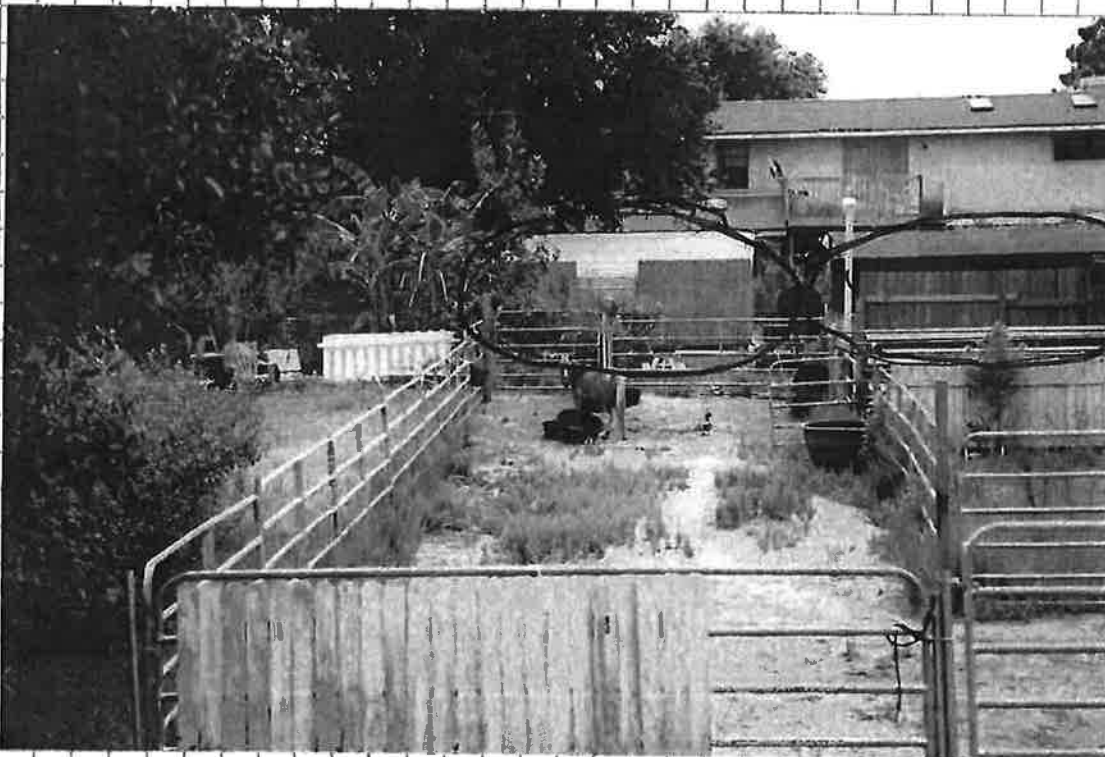
← Commercial Cargo Container

Sight that Greeted us every time we stepped out of our front door. 7861 Windover Way For 8 years.



EXHIBIT "B"

Over Grown Back Yard.



Fences

Illegal fences without permit & more than 7ft TALL.

EXHIBIT "C"



40 FT Cargo Containers County
Could not Get them to Move.

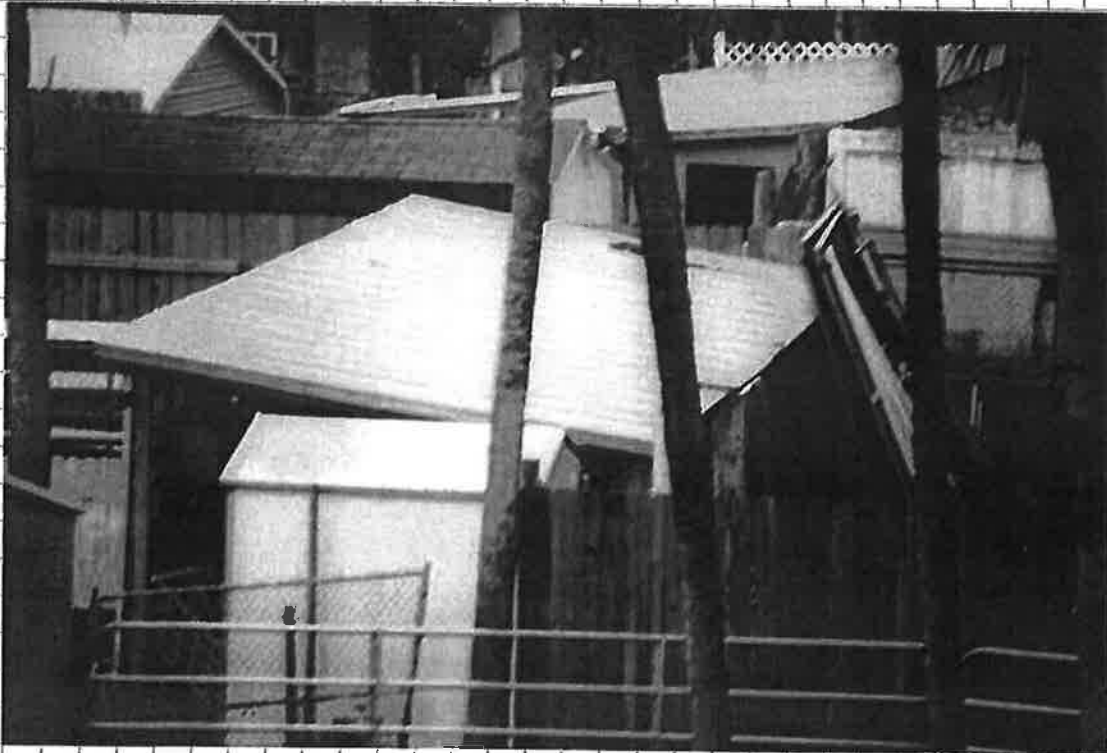


HORSE TRAILOR Code Enforcement
Could not find (used for storage)

EXHIBIT "D"



Outside Storage



SHANTY TOWN LOOK.

FIRE REPORT

Brevard County Fire Rescue Incident Date: 03/16/2011
Engine 22 Shift: A

INCIDENT #: 016863 EXPOSURE #: 001

INCIDENT LOCATION: 7861 Windover Way TITUSVILLE, FL 32780
Census Tract: 612

INCIDENT TYPE: 111 Building fire

ALARM: 03/16/2011 12:11:00
DISPATCH: 03/16/2011 12:11:00
IN ROUTE: 03/16/2011 12:11:00
FIRST RESPONDER ARRIVES: 03/16/2011 12:17:00
ARRIVAL: 03/16/2011 12:17:00
CONTROL: 03/16/2011 14:59:00
LAST UNIT CLEARED: 03/16/2011 14:59:00

ACTION TAKEN: 11 Extinguish ; 12 Salvage & overhaul ;

LOSS [Property:\$3000 Contents:\$1500]

RESPONDING UNITS:

Includes mutual aid resources
Suppression [Apparatus:6 Personnel:17]
EMS [Apparatus:2 Personnel:4]
Other [Apparatus:10 Personnel:14]

DETECTOR ALERTED OCCUPANTS: No

HAZMAT RELEASE: N None
MIXED PROPERTY USE: NN Not Mixed
PROPERTY USE: 808 Outbuilding or shed
1 Mutual aid received
Zone Responded to: 24

Lead Crew Member: HECKY, TODD Paramedic (PMD008085)
Crew Member 2: Golub, Paul EMT (EMT523324)
Crew Member 3: EDDLEMAN, THOMAS (SCOTT) EMT (EMT073518)

INVOLVED:

Living Units:0 Buildings:2

SIGNIFICANT ONSITE PRODUCTS: None

()

AREA OF FIRE ORIGIN: 47 Vehicle storage are; garage, carport

HEAT SOURCE: UU Undetermined
ITEM FIRST IGNITED: UU Undetermined
FIRE CONFINED TO OBJECT OF ORIGIN: No
TYPE MATERIAL IGNITED: UU Undetermined
CAUSE OF IGNITION: 2 Unintentional
FACTORS CONTRIB. TO IGNITION: None
HUMAN FACTORS CONTRIBUTING: N None
FIRE SUPPRESSION FACTORS: None

EQUIPMENT INVOLVED IN IGNITION: EQUIPMENT INVOLVED IN IGNITION: None

MOBILE PROPERTY INVOLVED: None

NARRATIVE:

This was an exposure next to the building of origin that caused the fire. This was a carport next to the fire building that contained general household items. Fire was knocked down with a RAM and 1.75" handline.

STRUCTURE TYPE: 8 Fixed portable or mobile structure
BUILDING STATUS: 0 Other

STORIES:

At or above Grade:1 Below Grade:0 Origin:1

FLAME DAMAGE PERCENTAGE:

<25:0 25="" to="" 49:0="" 50="" to="" 75:0="">75:1

FIRE SPREAD: 5 Beyond Building of Origin

FLAME SPREAD: None

x 30 ft.

DETECTORS: None

AUTOMATIC EXT. SYSTEM: None

OWNER: Mr Milton, Richard
7861 Windover Way Way TITUSVILLE, FL, 32780

SIGNATURE:

Signed By: EDDLEMAN, THOMAS (SCOTT) EMT (EMT073518)

" EXHIBIT ~~D~~ " " ~~D~~ " " E "

01/24/06

Brevard County Code Enforcement ACTION FILE RECAP

PAGE 1

ACTION FILE #: 05-4914

STATUS: ACTIVE

DESCRIPTION: Overgrowth, junk building materials stored on property, horse trailer used for storage, freight container on property. Fence height exceeds 72", 5 dogs, carport used for storage.

RECEIVED COMPLAINT 11/21/05.

.....OCCUPANT/LOCATION.....PROPERTY OWNER.....ORIGINAL COMPLAINANT.....
7861 Windover Wy	Richard A. & Kathy B. Milton	Anonymous
Titusville, FL 32780	7861 Windover Wy	
	Titusville, FL 32780	

LOT/BLOCK/SUBDIV: / / Windover Farms	C/O: 321-536-0551	SOURCE: ANN
LEGAL DES 22-35-32-MT- -521.	(321) 383-7636	(321) -
DISTRICT: 1 ZONING:		
BOOK/PAGE/MAP: / /		
LEGAL DESCRIPTION: NO DESCRIPTION ON FILE		

VIOLATION SUMMARY

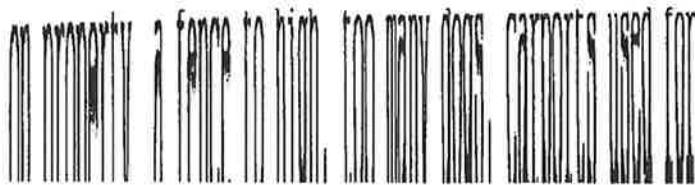
COMPLIED	UNIT	LOCTN	REMRDY	VIOLATION
/ /			CLEN	Res Maintain INSPECTOR: 59 - Mark Herold
/ /			MOW	Overgrowth INSPECTOR: 59 - Mark Herold
/ /			CMPL	Uses-Rural Res INSPECTOR: 59 - Mark Herold
/ /			CMPL	Accessory Building/Definition/Rules of Constructn INSPECTOR: 59 - Mark Herold

INSPECTION HISTORY

DATE COMPLETED	INSPTR	VISIT DESCRIPTION	VIOLATION	RESULT
11/21/2005	59	Inspection	Res Maintain	Fail To Comply
11/21/2005	59	Inspection	Overgrowth	Fail To Comply
11/21/2005	59	Inspection	Uses-Rural Res	Fail To Comply
11/21/2005	59	Inspection	Accessory Building/Definition/Rul	Fail To Comply

COMMENTS: Initial Inspection/NOV.

This report relates to the anonymous complaint of overgrowth, junk, building materials, horse trailer used for storage, freight container



Brevard County Code Enforcement
ACTION FILE RECAP

INSPECTION HISTORY

DATE COMPLETED	INSPTR	VISIT DESCRIPTION	VIOLATION	RESULT
12/01/2005	59	Date Notice Received	Overgrowth	Comment
12/01/2005	59	Date Notice Received	Uses-Rural Res	Comment
12/01/2005	59	Date Notice Received	Accessory Building/Definition/Rul	Comment

COMMENTS: NOV Received.

Officer Supplement: The NOV was received on 12/01/05 with a 20 day compliance period after receipt. A compliance date of 01/03/06 will be given.

Case Pending.

01/12/2006	59	Inspection after NOV	Res Maintain	Fail To Comply
01/12/2006	59	Inspection after NOV	Overgrowth	Fail To Comply
01/12/2006	59	Inspection after NOV	Uses-Rural Res	Fail To Comply
01/12/2006	59	Inspection after NOV	Accessory Building/Definition/Rul	Fail To Comply

COMMENTS: Reinspection/Schedule For Hearing.

Officer Supplement: On Thursday 01/12/06 at 5:40 p.m. R/O made an inspection of the property and observed the property had been cleaned up and mowed. However, items under the open carport continue to be stored and observed but partially hidden behind a privacy fence. Additionally, R/O met with Mr. & Mrs. Sultan of 7865 Windover Wy. From their second floor window R/O was able to observe a pod being utilized for permanent storage. Photos were taken.

On Tuesday 01/17/06 R/O contacted the property owner and requested a closer inspection of the property. Mr. Milton requested that he contact R/O next week to schedule an appointment.

This case will be schedule for resolution at the next available hearing.

Case Pending.

PENDING REQUESTS

REQUESTED DATE	REQUESTED TIME	INSPECTOR	VISIT CODE
01/12/2006		59	235

DOCUMENT HISTORY

DOCUMENT DATE	S/R	INT	SEQ	PARTY NAME	CERT. MAIL #	DOCUMENT
11/22/05	S	OWN	1	Milton, Richard A. & Kathy B.	0001-6094-4994	Revised Enforcement Process

Brevard County Code Enforcement
ACTION FILE RECAP

DOCUMENT HISTORY

DOCUMENT DATE	S/R	INT	SEQ	PARTY NAME	CERT. MAIL #	DOCUMENT
11/22/05	S	OWN	1	Milton, Richard A. & Kathy B.		New Notice of Violation
01/18/06	S	OWN	1	Milton, Richard A. & Kathy B.		Request for Hearing

INTERESTED PARTIES

CODE	NAME	ADDRESS	PHONE
COM	Anonymous		(321) -
INT	Ozzie (Neighbor)		(321) 264-0707
OWN	Richard A. & Kathy B. Milton	7861 Windover Wy Titusville, FL 32780	(321) 383-7636

NO ADDITIONAL NOTES IN FILE.

ENFORCEMENT HISTORY

NO FINES DUE OR PAID

On Monday 11/20/05 at 3:00 p.m. Reporting Officer (R/O) Mark Herold attempted to make an initial inspection of the subject property but was limited to the North perimeter of the property due to fence and gate prohibiting contact with the property owner and additional observations. R/O made observations from the extended driveway of 7865 Windover Way and observed (1) significant overgrowth approximately five to six feet in height located in the rear yard area around the pond, (2) various junk and debris openly stored on the property with a large accumulation of debris visible from the open accessory structures and some debris in the front yard area near the gate, (3) AND several accessory structures over the five allowed for a lot 1.38 acres (60,110 square feet). Photos were taken at this time.

R/O did not observe alleged additional complaints concerning (1) the white picket fence exceeding the maximum height of 6 feet, (2) no dogs or other animals were observed or heard, (3) no commercial cargo container was observed, (4) no box truck was observed, AND (4) the horse trailer was observed but not considered a violation. Again R/O's observations were limited to the North property line and the driveway of the neighboring property (7865 Windover Wy.).

A Notice Of Violation (NOV) will be generated pursuant to B.C.C.:

- (1) Section 114-28(b) prohibiting overgrowth;
- (2) Section 94-48 maintenance of property;
- (3) Section 62-1336 unpermitted uses within RR-1 zoning. Specifically more than five accessory structures on lot of 1.38 acres.
- (4) Section 62-2100.5 Limiting the number of accessory structures to 5 on a lot with a total square footage of 60,110.

A compliance period of 20 days after receipt of NOV will be given.

On Tuesday 11/22/05 at 11:35 a.m. R/O left a message on the property owner's answering service requesting contact.

Case Pending.

12/01/2005

59

Date Notice Received

Res Maintain

Comment

**Brevard County Code Enforcement
Case Application (CAP) Report**

CAP#: 11CE-01082

Date Complaint Received:

Related CAP's:

Case Status: Order

Officer/Inspector:

Subject Property Information:

Parcel ID #: Twn. 22 Rg. 35 Sec. 32 Sub. M T Blk: Lot 521

Address: 7861 WINDOVER WAY TITUSVILLE FL 32780

Complaint:

Cited Violation(s):

Comments:

ViewID Comment(s):

Comply Case # 06-3599

CSM Public Hearing Date: 09/21/2006

Previous Officer: Tom Sullivan

Ordered Compliance Date: 10/21/2006

Post-Hearing Inspection Results: Still in Violation

ACTIVE VIOLATION: CONSTRUCTION WITHOUT PERMIT

Fine Accruing at \$25/day current balance \$41,925.00.

35% maximum is \$53,991.00;

Enforcement Cost Assessed in the amount of \$550.00 were paid.

Findings of Fact, Conclusions of Law & Order & Lien for Costs recorded in official records, Book 5700 Page 1873.

Imposition Hearing Date: 04/19/2007

Order Imposing Administrative Fine/Lien recorded in official records, Book 5770 Page 7861.cc

5-22-12: Returned telephone call from David Christopher, IRS (253-7645) regarding the property. Left message, to return call once computer program is available. Research appears violation (WOP) remains active, fines are close to the maximum (\$53,991), costs paid, fine imposed. Once compliance, request for reduction/recommendation process can begin. adm.

5-23-12: Received telephone call from David Christopher, IRS, stating property has burned, IRS has lien and may be taking ownership of property. Requested and received quote for payoff as of 6/11/12, \$51,475. Informed that since the property was still in violation, the fine would continue to accrue at \$25 per day until compliance or it reached the maximum. He stated the IRS would not be interested in payoff the County's lien (the IRS lien is subordinate to the County's) if it only continued to accrue. He stated he would like to have inspection to determine if the burned buildings are the portion of the case that would be complied if they were destroyed. adm.

5-23-12: Researched unoffical zoning, RR-1, requested Bobby Bowen, Manager, research, inspection and contact Mr. Christopher for inspection coordination. adm.

ViewID Comment(s):

Today's date: May 29,2012:

On Thursday, May 24, 2012 I contacted IRS Agent David Christopher, at his request, to meet Tuesday morning, May 29, 2012, at 9:00 a.m. at 7861 Windover Way, Titusville to inspect the property for compliance.

This morning, at 10:00 a.m., IRS Agent David Christopher and I traveled to 7861 Windover Way to inspect the property. The home appears to have been vacant for a period of time. According to Agent Christopher, the property owners are now living in another state. In March of 2011 the structure suffered interior damage due to a fire. Agent Christopher has a copy of Brevard County Fire Rescue's report on that fire.

I took several photographs of the property; front, east side, and rear to determine if any of the unpermitted shed still remained on the property. The only two accessory structures remaining, that were photographed by Building Supervisor Tom Sullivan back in 2005, is the large accessory structure directly to the east of the main dwelling, and what looks like a large steel storage container in the rear of the property, flat on the ground. In previous photos, this large storage container looks like it had been painted a lt. gray or gray-blue, much like the color of the main dwelling . Today, it is mostly rusted and the rear doors are open. The other accessory structures that Mr. Sullivan had photographed back in 2005 and in 2006 appear to have been removed.

According to the Building Department, there have been no permits issued for any accessory structures/sheds for this property. It remains in non-compliance.

Bobby A. Bowen, Sr.,M. A.
Manager & Chief Code Enforcement Officer
Brevard County Code Enforcement Division

5-30-12: Returned telephone call from David Christopher, IRS (253-7645) regarding the payoff, as of today \$51,175. Mr. Christopher stated he has spoken to the taxpayer, Mr. Milton, who is now aware of the issues. He was told by Mr. Christopher to contact Code Enforcement to be advised of his options. Mr. Christopher would like Mr. Bowen to call and confirm options towards compliance. Message given to Mr. Bowen. adm.

5-30-2012 - COMMENTS: Supervisor Wanda Scanes

On Thursday, May 31, 2012, at approximately 8:20 a.m., Tom Sullivan came by to speak to Bobby Bowen, Code Enforcement Manager, in response to a call he had received from Mr. Bowen regarding subject property. I informed him that Mr. Bowen is out of the office at this time and may be in later today. A "Phone Call" message sheet was left for Mr. Bowen informing him of Mr. Sullivan's visit. WS

ViewID Comment(s):

5-31-12: Mr. Milton called (321-536-0551) to discuss the status. He had surgery in Nevada and will not be able to return to Florida for at least 1-1/2 months. He stated he thought he was in compliance as he sent photos with the payment of costs. I informed him that the payment of costs was received and there were no photos in the file from him and the violations must be verified by an inspector/officer. Informed two hearings had occurred and the property appraiser address reflected the property address. He stated he removed all the sheds except one installed by Ted's Sheds. I stated Mr. Bowen is researching the case and performed an inspection and would return the telephone call. Message left for Mr. Bowen, contact information changed to include new address. adm.

On this date, 6/7/12, I attempted to contact Mr. Milton by telephone at the number he left. However, I was only able to leave a message to have him call me back regarding two remaining structures that appear to have never had permits to place them on the property.

6-7-12: Affidavit of Non-Compliance prepared. adm.

Today, June 7, 2012, I, Bobby A. Bowen, went to Map Reproduction to view old aerials of this property to determine at what point did the illegal unpermitted accessory structures first appear.

I first looked at 1993 aerial photographs and determined that there were no accessory structure that could be seen on the property.

I then looked at 1996 aerial photographs and determined there were no accessory structures that could be seen on the property.

I then looked at 1998 aerial photographs and determined there were at least two accessory structures that now are clearly visible on the rear portion of the property behind the main structure (house).

I further inquired if there had been any permits issued through the Building Department for any accessory structures for this property. I was informed none had been issued. Even back in 1998 a building permit for an Industrial containers would have been required for this type structure. However, no permit was issued, according to the Building Department.

Therefore, it appears that all accessory structures that were placed on this property were placed without a building permit and any remaining accessory structures are still a violation of Brevard County Code of Ordinances.

Bobby A. Bowen, Sr., M.A.
Manager & Chief Code Enforcement Officer
Brevard County Code Enforcement Division

ViewID Comment(s):

Today, June 7, 2012, the property owner, Richard Milton, returned my telephone call regarding non-compliance of his property. I explained to Mr. Milton that two unpermitted accessary structures remain on the property and therefore Code Enforcement cannot comply his violations. He wanted to know what he must do to achieve compliance and request a fine reduction.

I informed Mr. Milton that he needed to obtain an after-the-fact building permit for the shed next to his home and also must remove the steel industrial storage container from the property because it cannot be there and no permit can be issued for it to remain. Once he has do the above we can then issue a complied affidavit for his property and he can then make a fine reduction request before the Special Magistrate. The Magistrate will then hear the case and make a recommendation for reduction of fine to the Board of County Commissioners. I gave Mr. Milton the telephone number for the Building Department to get started on the permit for the shed next to the main structure. It appears that this structure will meet all required setbacks and that it appears to be tied down as required by code. However, this structure must be inspected by a building official after the permit is issued for this structure.

Bobby Bowen, Code Enforcement Manager.

9-19-12: Received telephone call from Sharon Sullivan, IRS Agent (954-740-2421) regarding the status of the case as the property is going up for auction. After review, it appears that pursuant to the Order Imposing, the 35% maximum (\$53,991) will occur on 9/20/12. Informed that the enforcement costs of \$550 have been paid and once the property complies, the fine will be eligible for reduction once an application is received. Informed that it is an approximate 60 day procedure. She informed that the value/sale would reflect this fine amount and will be disclosed to any potential buyer. adm.

11-26-12: Received a copy of Public Auction Sale from Department of Treasury. Date of Sale: 1/4/2013 at 9:30. Provided copy to Assistant County Attorney along with CAP. adm.

ViewID Comment(s):

11/28/12: Received response from Assistant County Attorney Becky Behl-Hill, via e-mail:

Ok, good news, bad news.

It appears that the code lien was perfected by imposition prior to the tax lien. Therefore, the code enforcement lien stands. Florida follows the "first in time, first in right" (race) theory when it comes to lien priority. That's the good news - there's nothing you need to do and the lien won't disappear like it does in a foreclosure.

However, the lien cannot attach to any real or personal property acquired by the violators after the notice of the tax lien was filed. This is probably not really "bad news," however, it could impact what the code lien attaches to if they buy RP in Brevard while there is still an outstanding federal tax liability.

adm.

12/3/12: Returned call to (message from) Ross Lay (808) 573-7801, regarding questions regarding the status of case. Provided CAP report to relwarm@yahoo.com. adm.

12/3/12: Informed by Secretary, Cindy Cook, the Code Enforcement Officer would be Sean Donovan. Provided name in previously mentioned e-mail. adm.

12/4/12: Received telephone call from Ross Lay (prospective buyer of the property at auction) who requested information regarding the amount the fine would be reduced by the Special Magistrate. Informed of recommendation for reduction process, approximately 60 day timeframe, actual cost worksheet and that the amount it would be reduced would be a recommendation by the Special Magistrate, thereafter, the matter would be scheduled before the Board of County Commissioners. Informed next meeting (if compliance occurs and application received) was 1/17/2013. adm.

12/6/12: Received telephone call from Charlene Goodman, prospective buyer (347-893-0304) regarding the status of violations, reduction process (two step process). Informed to contact Sean Donovan regarding the violation and our office regarding the reduction process. (Note: the address she stated that was listed was 7061 Windover). adm.

12/10/12: Responded to e-mail from Ms. Goodman regarding her request for Sean Donovan (CEO) to provide a copy of the fire report. Stated Agent Christopher has a copy of Brevard County Fire Rescue's report on that fire. We are not the record holder for Fire Rescue. There number is: 321-633-2056. adm.

12/12/12: Received telephone call from an unidentified person who requested how much the fine would be reduce (\$53,991) and informed that it was dependent upon the application process and the Special Magistrate's ruling. I could not give a guestimate on the reduced amount that will be granted. adm.

ViewID Comment(s):

1/2/13: Received telephone call from David Kent who may purchase property. Mr. Kent requested the fine pay off balance & was quoted \$53,991. I explained property compliance then the reduction recommendation process.dh

3/4/13: Prospective buyer called to discuss the reduction process for the accrued fine. Informed of active violation and explained the application, 2 step process. adm.

3/23/15: Received/returned 2 telephone calls from the new owners, Azmi Sultan regarding the Recommendation for Reduction process. Informed compliance must be confirmed; e-mail to Code Enforcement Officer Sean Donovan to contact Mr. Sultan at (321-438-1100 or 321-278-9200) to arrange an inspection. Assigned case to CEO Donovan. Provided information as he may have a public records request. adm.

POST-HEARING INSPECTION:

Officer Supplement: On Tuesday, 03/24/15, CEO received a request from Azmi Sultan to inspect this property for compliance. On Tuesday, 03/24/15 at about 2:45 PM, CEO inspected the property for post hearing compliance and observed the shed and cargo container are gone and the property is in compliance. Pictures were taken. Case pending.

3/27/15: Affidavit of Late Compliance prepared. adm.

3/27/15: Telephone call to Mr. Sultan confirming compliance and retrieving e-mail (azmisultan@live.com) for preparation of Recommendation for Reduction Application; discussed 5/21/15 Special Magistrate hearing and thereafter the BOCC appearances required. adm.

3/27/15: Request for Recommendation for Reduction e-mailed to Mr. Sultan with a deadline of 4/10/15 for 5/21/15 Special Magistrate hearing. adm.

4/13/15: Telephone call to new owner, Azmi Sultan regarding the status of his application. He stated he would not be ready for the 5/21/15 hearing and request he respond by e-mail. adm.

1/13/16: Return telephone call to new owner, Azmi Sultan 321-438-1100. adm.

1/13/16: Revised Request for Reduction and Recommendation to Brevard County Board of County Commissioners provided to Mr. Sultan at azmisultan@live.com with deadline of 1/22/16, and case placed on 2/18/16 Special Magistrate hearing. adm.

1/21/2016: Completed application for Request for Recommendation for Reduction received from new owner Sultan. Scheduled for 2/18/16 Special Magistrate. adm.

ViewID Comment(s):

CSM 02/18/16 COMPLY #: 06-01082

Azmi & Glenda Sultan, new owners, were present and stated that Code Enforcement was ineffective. The neighbors have 17 buildings and sheds. In a statement signed on January 18, 2016, they stated they live behind the subject property. The neighbors had numerous code violations that were affecting their quality of life. Some of the problems were: the stench from the horse manure. They have 3 horses on a 1.38 acre property. They are only allowed one horse. They exceed the limit of animals, ducks, peacocks, chickens, dogs, cats, and turkeys. These posed health problems because the owners left large amounts of animal feed out that caused rodents and snakes to be present. The property was in violation for many years. The Sultans acquired the property and cleaned it up. Respondents' exhibit "A" was entered into evidence.

Sean Donovan, CEO, was present.
The County felt a reduction to 20% was appropriate and unpaid actual costs of \$1606.

The Special Magistrate makes the recommendation to the Board of County Commissioners that the fine which has accrued to \$53,991 in this case be reduced to \$9,700. The Special Magistrate weighing the severity of the violations of four sheds and a pole/barn accessory constructed without building permits and diligence of the Respondents and feels a reduction to 15% plus unpaid actual cost of \$1606 is appropriate or \$9,700. This is contingent upon payment within 30 days of the date the BOCC render a decision approving the Special Magistrate's recommendation; With an option for the establishment of a payment plan which must be created within 30 days of the date of the BOCC's rendered decision and payment plan timely paid accordingly; If reduced amount is not paid by the above time-frame as specified, the accrued fine will revert to the original amount due, less payments received; The actual costs total: \$2,157. Enforcement cost of \$550 have been paid. Balance of actual cost: \$1,607.
***The tentative date set for this case before the BOCC is March 29th, 2016 and is due to Sally no later than March 15th. The Clerk to the SM called for Robin Sobrino and was informed Ms. Sobrino would be out of the office all week; hence the March 29th date.

3/8/16: Documents prepared and provided to Clerk in preparation for Agenda Report. adm.

Property Owner Information:

Name	Address	City	State	ZIP	Phone
Richard Milton	930 Cavalry Street	Pahrump	NV	89048	(321)536-0551

Complainant Information:

Name	Address	City	State	ZIP	Phone
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Other Contact Information:

Name	BusinessName	Address	City	State	ZIP	Phone
AZMI and GLEND SULTAN (New Owner)		7865 WINDOVER WAY	TITUSVILLE	FL	32780	(321)438-1100

Brevard County Code Enforcement
ACTION FILE RECAP

11CE-01082

ACTION FILE #: 06-3599

STATUS: ACTIVE

DESCRIPTION: Four sheds & a pole barn/accessory building constructed without obtaining the appropriate

.....OCCUPANT/LOCATION.....PROPERTY OWNER.....ORIGINAL COMPLAINANT....
7861 Windover Wy	Richard A. & Kathy B. Milton	Building Code
Titusville, FL 32780	7861 Windover Wy	2725 Judge Fran Jamieson Way
	Titusville, FL 32780	Viera, FL 32940

LOT/BLOCK/SUBDIV:	/	/Windover Farms	C/O: 321-536-0551	SOURCE: BUI
LEGAL DES	22-35-32-MT-	. -521.	(321) 383-7636	(321) 633-2072
DISTRICT:	1	ZONING: RR-1		
BOOK/PAGE/MAP:	/	/		
LEGAL DESCRIPTION: NO DESCRIPTION ON FILE				

VIOLATION SUMMARY

COMPLETED	UNIT	LOCIN	REMEDY	VIOLATION
/ /				Construction without permit INSPECTOR: 77 - Tom Sullivan Building # : 05009527 as adopted by : Brevard County Code
10/19/2006				County's Cost INSPECTOR: 002 - Pat Doyle, Adm Support Supvr
/ /				Outstanding SM Fine INSPECTOR: 002 - Pat Doyle, Adm Support Supvr
/ /				Lien Filed in Special Master INSPECTOR: 002 - Pat Doyle, Adm Support Supvr

INSPECTION HISTORY

DATE COMPLETED	INSPTR	VISIT DESCRIPTION	VIOLATION	RESULT
11/21/2005	77	Schedule for CSM	Construction without permit	Fail To Comply
COMMENTS: Date violation of 4 sheds and a pole barn without permits first observed on 11/21/05 Date Owner received Notice of Violation: 7/7/06 2nd notice returned Unclaimed Date Owner given for compliance: 8/6/06 Reinspection on 8/7/06 revealed still in violation. submitted to Code Enforcement on 8/7/06 to be scheduled for hearing, notice to be posted.				
09/21/2006	.CSM.		Construction without permit	Fail To Comply

Brevard County Code Enforcement
ACTION FILE RECAP

INSPECTION HISTORY

DATE COMPLETED	INSPTR	VISIT DESCRIPTION	VIOLATION	RESULT
09/21/2006	.CSM.		County's Cost	Fail To Comply
			<p>COMMENTS: The Special Magistrate ordered that the respondents were in violation of the cited code and ordered a compliance date of 10-21-06 (30 days) with a fine of \$25.00 per day to begin to accrue thereafter if not in compliance. Respondents have 30 days to obtain permits or remove sheds.</p> <p>Enforcement costs were assessed in the amount of \$550.00 and must be paid within 30 days of this hearing.</p> <p>Findings of Fact, Conclusions of Law and Order recorded in the official records of Brevard County, Book 5700 Pages 1873-1874.</p>	
10/19/2006	006	Comments	Construction without permit	Comment
10/19/2006	006	Comments	County's Cost	Complied
			<p>COMMENTS: Payment received in full for enforcement costs in the amount of \$550.00, check #5097, CE receipt 1217. ADM</p>	
11/13/2006	93	CSM Post Board Inspectio	Construction without permit	Fail To Comply
			<p>COMMENTS: Reinspect shows no changes, no permits in house case and fines continue. JM/DH/adm</p>	
01/25/2007	004	Comments	Construction without permit	Comment
01/25/2007	004	Comments	Outstanding SM Fine	Comment
			<p>COMMENTS: Letter and Affidavit of Non-Compliance sent to Respondent notifying them the inspection ordered by the Special Magistrate has been made. The violation still remains and the fine has accrued to \$2,375.00 as of 1/25/07. Enforcement cost of \$550.00 has been paid. 35% of the assessed value is 53,991.00.</p>	
02/27/2007	004	Back to CSM for Imp of L	Construction without permit	Fail To Comply
02/27/2007	004	Back to CSM for Imp of L	Outstanding SM Fine	Fail To Comply
			<p>COMMENTS: Case scheduled for Imposition 4/5/07 Special Magistrate Hearing. Notice to be sent certified mail.</p>	
04/05/2007	.CSM.		Construction without permit	Comment
04/05/2007	.CSM.		Outstanding SM Fine	Comment
			<p>COMMENTS: Case rescheduled for 4/19/07 Special Magistrate hearing. Proper service not achieved. Notice of Hearing for Imposition will be posted.</p>	
04/19/2007	.CSM.		Construction without permit	Fail To Comply
04/19/2007	.CSM.		Outstanding SM Fine	Fail To Comply
04/19/2007	.CSM.		Lien Filed in Special Master	Fail To Comply
			<p>COMMENTS: The Special Magistrate ordered that the fine of \$4,475 be imposed as a lien. The Order Imposing Administrative Fine/Lien was recorded in the official records of Brevard County, Book 5770 Pages 7861-7862.</p>	
04/24/2007	002	Comments	Construction without permit	Comment
04/24/2007	002	Comments	Outstanding SM Fine	Comment
04/24/2007	002	Comments	Lien Filed in Special Master	Comment
			<p>COMMENTS: Put in LIENV cue - Max: \$53991. adm.</p>	

Bravard County Code Enforcement
ACTION FILE RECAP

PENDING REQUESTS

REQUESTED DATE	REQUESTED TIME	INSPECTOR	VISIT CODE
04/20/2007		LIENV	XCK

DOCUMENT HISTORY

DOCUMENT DATE	S/R	INT	SEQ	PARTY NAME	CERT. MAIL #	DOCUMENT
09/01/06	S	OWN	1	Milton, Richard A. & Kathy B.		Enforcement Process (Rev 2009)
09/01/06	S	OWN	1	Milton, Richard A. & Kathy B.		Affidavits-Posting & 1st Class
09/01/06	S	OWN	1	Milton, Richard A. & Kathy B.		Findings of Fact June 06
09/01/06	S	OWN	1	Milton, Richard A. & Kathy B.		Revised Notice of Hearing 1-L
09/01/06	S	OWN	1	Milton, Richard A. & Kathy B.		New Notice of Violation Posted
09/01/06	S	OWN	1	Milton, Richard A. & Kathy B.		Rev Statement of Violation 1-L
09/01/06	S	OWN	1	Milton, Richard A. & Kathy B.		Zoning Certification
11/16/06	S	OWN	1	Milton, Richard A. & Kathy B.		CSM AFF of Non-Compliance
02/27/07	S	OWN	1	Milton, Richard A. & Kathy B.		CSM NOH Request Imp Fine/Lien
02/27/07	S	OWN	1	Milton, Richard A. & Kathy B.		CSM ORD Imposing Fine/Lien
02/27/07	S	OWN	1	Milton, Richard A. & Kathy B.		CSM Fine Status
02/27/07	S	OWN	1	Milton, Richard A. & Kathy B.		CSM Minutes
02/27/07	S	OWN	1	Milton, Richard A. & Kathy B.		NOH 1-pg Imposition
02/27/07	S	OWN	1	Milton, Richard A. & Kathy B.		Affidavit of Non-Payment
03/05/07	S	OWN	1	Milton, Richard A. & Kathy B.		CSM AFF of Non-Compliance
03/23/07	S	OWN	1	Milton, Richard A. & Kathy B.		CSM Posting Aff for Imposition
03/23/07	S	OWN	1	Milton, Richard A. & Kathy B.		NOH 1-pg Imposition
03/23/07	S	OWN	1	Milton, Richard A. & Kathy B.		Aff 1st Class Mail Imposition
04/17/07	S	OWN	1	Milton, Richard A. & Kathy B.		CSM AFF of Non-Compliance
04/23/07	S	OWN	1	Milton, Richard A. & Kathy B.		CEB/BSM/CSM Minutes
04/25/07	S	OWN	1	Milton, Richard A. & Kathy B.		CEB/BSM/CSM Minutes

INTERESTED PARTIES

CODE	NAME	ADDRESS	PHONE
COM	Building Code	2725 Judge Fran Jamieson Way Viera, FL 32940	(321) 633-2072
OWN	Richard A. & Kathy B. Milton	7861 Windover Wy Titusville, FL 32760	(321) 383-7636

NO ADDITIONAL NOTES IN FILE.

ENFORCEMENT HISTORY

BOARD: CSM	DATE: 09/21/06 CASE: 06-3599	ATTENDING: Richard & Kathy Milton, not present
	STATUS: HEARD BY BOARD	Tom Sullivan, CEO, pres
	MOTION: David Dyer	

SECOND: Not Applicable

Brevard County Code Enforcement
ACTION FILE RECAP

PER DIEM FINE OF: 25.00 STARTING: 10/22/06
FINE OF: 25.00

BOARD ORDERS (IF ANY):

The Special Magistrate ordered the Respondent(s) be found in violation of Section 104.1.1, Brevard County Code. An Affidavit of Compliance must be obtained by 10-21-06 (30 days). In the event the violation is not corrected by the specified time, a fine of \$25.00 per day will be imposed. Additionally, the Special Magistrate ordered the Respondent(s) be assessed \$550.00 for costs incurred by the County to bring this matter before the Special Magistrate. Costs are to be paid within 30 days of this hearing.

BOARD COMMENTS (IF ANY):

Richard & Kathy Milton were not present.

Tom Sullivan, BD, was present and stated that there's a fence without a permit and backyard lighting not to permit that exists.

Exhibits A-J were entered into evidence.

The Special Magistrate ordered that the violation exists and ordered a compliance date of 10-21-06 (30 days) with a fine to begin to accrue of \$25.00 per day if not in compliance. Respondent has 30 days to obtain permits or remove sheds. Enforcement costs were assessed in the amount of \$550.00 and must be paid within 30 days of this hearing.

BOARD: CSM

ATTENDING: Richard & Kathy Milton
Tom Sullivan, Bldg Insp

DATE: 04/05/07 CASE: 06-3599

STATUS: HEARD BY BOARD

MOTION: Not Applicable

SECOND: Not Applicable

BOARD ORDERS (IF ANY):

This case was rescheduled to the 04/19/07 Special Magistrate Agenda. Proper service was not achieved. Notice will be provided by posting the property and the court house.

BOARD COMMENTS (IF ANY):

BOARD: CSM

ATTENDING: Richard & Kathy Milton,
not present
Tom Sullivan, BD, present

DATE: 04/19/07 CASE: 06-3599

STATUS: HEARD BY BOARD

MOTION: Stewart B. Capps

SECOND: Not Applicable

BOARD ORDERS (IF ANY):

The Special Magistrate ordered the fine be imposed as stated on the Administrative Fine/Lien in Case #06-3599. The fine has accrued at \$25.00 per day to the amount of \$00000 as of today's date. The fine will not exceed \$53,991 which is 35% of the assessed value of the property. Enforcement costs in the amount of \$550.00 were paid.

BOARD COMMENTS (IF ANY):

The Special Magistrate ordered that the fine of \$4,475 be imposed as a lien. The Order Imposing Administrative Fine/Lien was recorded in the official records of Brevard County, Book 5770 Pages 7861-7862. Exhibits A-H were entered into evidence.

FINES HISTORY (* INCREASING DAILY)

TYPE	FEE DUE	ADJUSTMENT	FEE PAID	DATE
00	41425.00*	0.00	0.00	09/28/06
CS	25.00	525.00	550.00	10/19/06

Worksheet for Assessment of Actual Costs for Case 11CE-01082 (06-3599)

Inspector	Donovan	Previous Inspector	Sullivan					
Wages S&B Hourly	\$22.86	Wages S&B	\$ 35.00					
Per Minute	\$0.38	Per Min	\$ 0.58					
Officer Costs:							Sub Total	
# Field Inspections	1 x	\$22.86	Hourly	Total	\$22.86		\$22.86	
Previous Inspection	4 x	\$35.00	Hourly	Total	\$140.00		\$140.00	
Vehicle Mileage							per mile	
# Field Inspections	1 x2: Rdtrip		2 x miles	34	68	0.54	\$36.72	
Previous Inspection	4 x2: Rdtrip		8 x miles	34	272	0.54	\$146.88	
Adminstrative Costs:								
		Minutes						
# Computer Entries	31	10	310		\$0.38		\$117.80	
# Telephone calls	21	5	105		\$0.38		\$39.90	
# Research	11	15	165		\$0.38		\$62.70	
# Hearings/Prehearings	1	120	120		\$0.38		\$45.60	
						\$266.00	\$266.00	
Previous Administrative Costs:								
		Minutes						
# Computer Entries	9	10	90		\$0.58		\$52.20	
# Telephone calls	0	5	0		\$ 0.58		\$0.00	
# Research	6	15	90		\$ 0.58		\$52.20	
# Hearings/Prehearings	3	120	360		\$ 0.58		\$208.80	
						\$313.20	\$313.20	
Extra Investigative Insp:								
		Minutes						
S&B Hr/Mn								
Bowen-Entries	2	10	20		0.72		\$14.40	
Bowen-Research	7	15	105		0.72		\$75.60	
Bowen-Telephone	2	5	10		0.72		\$7.20	
Bowen-Inspection	1	1	120		0.72		\$86.40	
						\$169.20	\$169.20	
Recording Fees								
1 Page	\$10.00						\$10.00	
2 Pages	\$28.50						\$57.00	
3 Pages	\$39.00							
4 Pages	\$49.50							
Hearings (public, extension, reduction, imposition)	2 x		\$200.00			Legal Fees	\$400.00	
Hearing Prep Office-number of hearings	7 x		\$85.00				\$595.00	
Subtotal Actual Costs for case							\$2,156.86	
Enforcement Costs Assessed and Paid - \$350 or \$550							\$550.00	
Balance due of Actual Costs - DEFICIT							\$1,606.86	

Dana Blickley, CFA
Property Appraiser
Brevard County, FL



**Property
 Details**

General Parcel Information

Parcel ID:	22-35-32-MT-00000.0-0521.00	Millage Code:	1300	Exemption:		Use Code:	110
Site Address:	7861 WINDOVER WAY , TITUSVILLE 32780					Tax ID:	2217284

Site Address is assigned by Brevard County Address Assignment for E-911 purposes and may not reflect the postal community name.

Owner Information

Owner Name:	SULTAN, AZMI
Second Name:	SULTAN, GLENDA
Mailing Address:	7865 WINDOVER WAY
City, State, Zipcode:	TITUSVILLE, FL 32780

Abbreviated Description

Plat Book/Page:	0029/0079	Sub Name:	WINDOVER FARMS UNIT 5	LOT	521
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Value Summary

Roll Year:	2013	2014	2015
Market Value Total: ¹	\$174,910	\$200,740	\$224,320
Agricultural Market Value:	\$0	\$0	\$0
Assessed Value Non-School:	\$174,910	\$200,740	\$220,810
Assessed Value School:	\$174,910	\$200,740	\$224,320
Homestead Exemption: ²	\$0	\$0	\$0
Additional Homestead: ²	\$0	\$0	\$0
Other Exemptions: ²	\$0	\$0	\$0
Taxable Value Non-School: ³	\$174,910	\$200,740	\$220,810
Taxable Value School: ³	\$174,910	\$200,740	\$224,320

Land Information

Acres:	1.38
Site Code:	1

1: Market value is established for ad valorem purposes in accordance with s.193.011(1) and (8), Florida Statutes. This value does not represent anticipated selling price for the property.

2: Exemptions are applicable for the year shown and may or may not be applicable if an owner change has occurred.

3: The Additional Homestead exemption does not apply when calculating taxable value for school districts pursuant to Amendment 1.

Sale Information

Official Records Book/Page	Sale Date	Sale Amount	Deed Type	Vacant/Improved
6928/2771	7/15/2013	\$78,100	XD	I
3805/0247	2/28/1998	\$146,000	WD	I
2486/2853	2/3/1984	\$16,500	WD	V

Building Information

PDC #	Use Code	Year Built	Story Height	Frame Code	Exterior Code	Interior Code	Roof Type	Roof Material	Floors Code	Ceiling Code
1	110	1989	8	03, 04	03	03	02	04	03	03

Building Area Information

PDC #	Base Area	Garage Area	Open Porches	Car Port	Screened Porches	Utility Rooms	Enclosed Porch	Basements	Attics	Bonus Rooms	RV Carport	RV Garage	Total Base Area

1	2,932	504	0	0	78	0	390	0	0	0	0	0	2,932
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Extra Feature Information

Extra Feature Description	Units
FIREPLACE	1
WOOD DECK	225
SCREEN ENCLOSURE	519
WOOD DECK	120
WOOD DECK	400

SERVER DATE: 03/07/2016

AUTHORIZED USERS ONLY

Comments

Brevard County Property Appraiser

RENUMBER: 2217284 SITE ADDRESS: 7861 WINDOVER WAY TITUSVILLE 32780
 PARCEL ID: 22-35-32-MT-*521
 PRIMARY OWNER: SULTAN, AZMI

LINE	ROLL	COMMENTS
1	1986	AC P/LTR 2/14/86 MG-----
2	1990	1990--A/C PER NEW HEX APPLI 1/17/90 JS---
3	1991	CHGD CL TO 8 FOR '91, 3/20/91 JD.....
4	1995	NOTE: 3458/2790 PT (VARIOUS) DECLARATION OF COVENANTS, CONDITIONS
5	1995	AND RESTRICTIONS 3/9/95 DD---
6	1998	3805/247 K I FISCHER TO RICHARD A MILTON 3/2/98 DD---
7	1998	LTR DTD 4/21/98 TO OWNER RE: 98 HEX. SEE HEX FILE. 4/28/98 DJS
8	1998	REMOVED 98 HEX, DID NOT RESPOND TO LTR--DENIAL. 6/5/98 DJS
9	1998	REINSTATED 98 HEX FOR K FISHER, INFO FURNISHED. LTR DTD 7/10/98
10	1998	TO K FISCHER. 7/10/98 DJS
11	1998	OP TO SP; PT TO EP; ADDN TO WDECK FOR 99
12	2005	BLANKET PA-89 RATE TO 60000/LT
13	2011	HEX RENEWAL RCPT RETURNED, HEX QUEST SENT.
14	2011	HEX RENEWAL RCPT RETURNED, HEX QUEST SENT.
15	2011	HEX OK FOR 2011 P/HEX QUEST; OWNERS TEMP AWAY DUE TO
16	2011	MEDICAL
17	2011	LTR DTD 3/23/11 RE: 2011 HEX OK, REMAILED HEX RCPT
18	2012	HEX RENEWAL RCPT RETURNED, HEX QUEST SENT.
19	2012	HEX OK FOR 2012; PER HEX QUEST OWNER AWAY FOR MEDICAL
20	2012	REASONS
21	2012	LTR DTD 6/1/12 RE: 2012 HEX OK, REMAILED RENEWAL RCPT
22	2013	HEX RENEWAL RCPT RETURNED, HEX QUEST SENT.
23	2013	HEX RENEWAL RCPT RETURNED, HEX QUEST SENT.
24	2013	HEX RENEWAL RCPT RETURNED, HEX QUEST SENT.
25	2013	THE POST OFFICE RETURNED YOUR 2013 HOMESTEAD
26	2013	RENEWAL. SINCE YOU FAILED TO RESPOND TO OUR REQUEST
27	2013	FOR ADDITIONAL INFORMATION WE CANNOT DETERMINE
28	2013	IF THIS WAS YOUR PERMANENT RESIDENCE AS OF
29	2013	JANUARY 1, 2013.
30	2013	THE POST OFFICE RETURNED YOUR 2013 HOMESTEAD
31	2013	RENEWAL. SINCE YOU FAILED TO RESPOND TO OUR REQUEST
32	2013	FOR ADDITIONAL INFORMATION WE CANNOT DETERMINE
33	2013	IF THIS WAS YOUR PERMANENT RESIDENCE AS OF
34	2013	JANUARY 1, 2013.
35	2013	TAX DEED 6928/2771 (FED TAX LIEN) PROPERTY TO AZMI
36	2013	SULTAN & GLENDA SULTAN (PURSUANT TO 26, US CODE SECTION
37	2013	6338) (DEED STATES LOT 21; SHOULD BE LOT 521; TSF
38	2013	P/INTENT)--
2017	2006	UC 110 GA 601128000 IA 25330000 EX BA 2880 AA 0 MI 80 STW105UD
2016	2006	UC 110 GA 601128000 IA 25330000 EX BA 2880 AA 0 MI 80 STW105UD
2019	2007	UC 110 GA 601128000 IA 25330000 EX BA 2880 AA 0 MI 80 STW105UD
2001	1993	UC 110 GA 601128000 IA 25330000 EX BA 2880 AA 0 MI 80
2002	1994	UC 110 GA 601128000 IA 25330000 EX BA 2880 AA 0 MI 80
2003	1995	UC 110 GA 601128000 IA 25330000 EX BA 2880 AA 0 MI 80
2004	1996	UC 110 GA 601128000 IA 25330000 EX BA 2880 AA 0 MI 80

