

**CODE ENFORCEMENT**

**BOARD**



*Crossroads of Flagler County*

**BOARD MEMBERS**

**JOY ALLEN  
JULIE AGUIAR  
DELORIES HALL  
KENNETH GORDON  
DAVID WILHITE**

**CODE ENFORCEMENT BOARD AGENDA**

**Wednesday, December 13, 2023 at 6:00 PM**

**1769 E. Moody Blvd. (GSB), First Floor Conference Room, Bunnell, FL 32110**

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- 1. Call Meeting to Order and Pledge Allegiance to the Flag.**
- 2. Roll Call and determination of Quorum.**
- 3. Disclosure of Ex-Parte communications.**
- 4. Approval of Minutes:**
  - a. October 11, 2023 Code Enforcement Minutes**
- 5. Swearing in of witnesses.**

**Old Business:**

- 6. Case Number 22-014 City of Bunnell vs. Ella Chageyeva**  
3295 Steel Rail Drive  
This is a violation of the following City Codes:

**Bunnell Land Development Code, Sec. 34-120, L-1 Light Industrial District.**

**Bunnell Land Development Code, Sec. 34-120(c)(1), Tractor Trailer Storage Yards.**

**Bunnell Land Development Code, Sec. 34-120(c)(6),**

**Bunnell Land Development Code Sec. 22-3. - Applicability.**

**Bunnell Land Development Code, Sec. 22-4, Procedures for Site Plan Review and Approval**

**Bunnell Land Development Code, Sec. 22-4(d) Any development or use requiring special exception approval.**

**Bunnell Land Development Code, Sec. 22-9, Major Site Plan Submittal Requirements.**

**Bunnell Land Development Code, Sec. 58-36(1)(2)(3), Levying of tax.**

**Bunnell Land Development Code, Sec. 58-47(a)(b), Doing Business Without, Or Under A Fraudulently Obtained Local Business Tax Receipt.**

NTA:11/21/2023

**7. Case Number 22-015 City of Bunnell vs. Armando Toyos & Nairobi Rodriguez**

3330 Steel Rail Drive

This is a violation of the following City Codes:

**Bunnell Land Development Code, Sec. 34-120, L-1 Light Industrial District.**

**Bunnell Land Development Code, Sec. 34-120 (a), Purpose and intent.**

**Bunnell Land Development Code, Sec. 34-120(c)(6), Permitted special exception.**

**Bunnell Land Development Code, Sec. 22-3 (a)(2), Applicability.**

**Bunnell Land Development Code, Sec. 22-4(b)(d) Any development or use requiring special exception approval.**

**Bunnell Land Development Code, Sec. 22-9(a), Major Site Plan Submittal Requirements.**

**Bunnell Land Development Code, Sec. 58-36, Levying of tax.**

**Bunnell Land Development Code, Sec. 58-47, Doing Business Without, Or Under A Fraudulently Obtained Local Business Tax Receipt.**

NTA:11/21/2023

**8. Case Number 22-016 City of Bunnell vs. Abama Mama, LLC**

3220 Steel Rail Drive

This is a violation of the following City Codes:

**Bunnell Land Development Code, Sec. 34-120, L-1 Light Industrial District.**

**Bunnell Land Development Code, Sec. 34-120(c)(1), Tractor Trailer Storage Yards.**

**Bunnell Land Development Code, Sec. 34-120(c)(6), - Construction contractors and similar contractors, yards and related activities, such storage of building supplies and materials including outside storage of equipment and materials.**

**Bunnell Land Development Code Sec. 22-3(a)(2), - Applicability.**

**Bunnell Land Development Code, Sec. 22-4(a)(1)(b)(d) Any development or use requiring special exception approval.**

**Bunnell Land Development Code, Sec. 22-9(a), Major Site Plan Submittal Requirements.**

**Bunnell Land Development Code, Sec. 58-36(1)(2)(3), Levying of tax.**

**Bunnell Land Development Code, Sec. 58-47(a)(b), Doing Business Without, Or Under A Fraudulently Obtained Local Business Tax Receipt.**

NTA:11/21/2023

**9. Case Number 23-013 City of Bunnell vs. Torres Arturo Trustee**

200 S Bacher St

This is a violation of the following City Codes:

**Bunnell Land Development Code Sec. 34-115(a)(c)(10), - R-3B Multiple-family residential district.**

**Bunnell Land Development Code Sec. 26-108(a)(4)(5)(7)(9)(b)(1), - Dangerous buildings.**

**Bunnell Land Development Code Sec. 26-167(1)(2)(3)(4), - Responsibility for removal and remedial action.**

**Bunnell Land Development Code Sec. 70-1(a)(b)(1)(2)(3), - Removal of certain plants, weeds, trash, litter etc.; duty of owner; service of notice.**

NTA:11/21/2023

**New Business:**

**10. Case Number 23-018 City of Bunnell vs. Markeysha Anthony & Ventura Rental Properties**

401 S. State Street

This is a violation of the following City Codes:

**Bunnell Land Development Code Sec. 34-117(a)(b),. - B-1 Business district.**

**Bunnell Land Development Code Sec. 66-1(e),. - Connection to city water, sewer and reclaim system.**

NTA:11/21/2023

**11. Announcements**

**12. Next Scheduled Meeting: February 14, 2024 (unless one is needed in January)**

**13. Adjournment of Code Enforcement Board**

This Agenda is subject to change. Please see posted copy on the City of Bunnell website [www.bunnellcity.us](http://www.bunnellcity.us)

**NOTICE:** IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION OR ANY OF ITS BOARDS, WITH RESPECT TO ANY MATTER CONSIDERED AT ANY MEETING OF SUCH BOARDS OR COMMISSION, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD

INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.  
286.0105, FLORIDA STATUTES. ANY PERSON REQUIRING A SPECIAL ACCOMMODATION  
AT THIS MEETING BECAUSE OF DISABILITY OR PHYSICAL IMPAIRMENT SHOULD  
CONTACT CITY HALL AT 386.437.7500.



**City of Bunnell, Florida**

**Agenda Item No. a.**

**ATTACHMENTS:**

Description

October 11, 2023 Code Enforcement Minutes

Type

Minutes

## CODE ENFORCEMENT

### BOARD



Crossroads of Flagler County

### BOARD MEMBERS

JOY ALLEN  
JULIE AGUIAR  
DELORIES HALL  
KENNETH GORDON  
DAVID WILHITE

## CODE ENFORCEMENT BOARD MINUTES

Wednesday, October 11, 2023 at 6:00 PM  
1769 E. Moody Blvd. (GSB), First Floor Conference Room,  
Bunnell, FL 32110

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1. **Call Meeting to Order and Pledge Allegiance to the Flag.**  
Chair Allen called the meeting to order at 6:00 PM and led the Pledge of Allegiance.
  
2. **Roll Call and determination of Quorum.**  
**Present:** Joy Allen, Chair; Julie Aguiar, Co-Chair; Kenneth Gordon; Delories Hall; David Wilhite  
**Non-Voting:** Charlie Cino, Board Attorney; Gary Harris, Code Enforcement Officer; Paul Waters, City Attorney; Bernadette Fisher, Community Development Director; Christine Hancock, Community Development Coordinator; Joe Parsons, Building Division Manager
  
3. **Disclosure of Ex-Parte communications.**  
None
  
4. **Approval of Minutes:**
  - a. **June 14, 2023 Code Enforcement Board Minutes**  
**Motion:** Approve the June 14, 2023, Code Enforcement Board Meeting minutes  
**Moved by:** Kenneth Gordon  
**Seconded by:** Delories Hall  
**Board Discussion:** None  
**Public Discussion:** None  
**Vote:** Motion carried unanimously
  
5. **Swearing in of witnesses.**  
Board Attorney Cino swore in the following witnesses:  
Garry Harris, Code Enforcement Officer

**Old Business: None**

## **New Business:**

### **6. Case Number 23-013 City of Bunnell vs. Torres Arturo**

Code Enforcement Office Harris explained the case and provided testimony. The respondent was not present. He testified the City had multiple complaints regarding the structure located on the subject property. The Building Official has declared the building unsafe and “red tagged” the structure. Staff posted these tags on all sides of the subject property. Code Enforcement Officer Harris detailed what needs to be completed for the property to be brought into compliance. It was recommended the property be found in violation of Section 26-108 and give the respondent 30 days to begin taking steps to bring the property into compliance; if the process is not started, staff recommended a \$100.00 per day fine be imposed starting November 22, 2023.

Chair Allen asked what a trustee is. City Attorney Waters explained a trustee is an entity set up to own or control property. It is very common and often set up for tax reasons; it is similar to a corporation.

The Board discussed the property being a repeat offender.

Chair Allen brought up the idea of tabling this case until more information is gathered to determine if this is a repeat violation, a new violation, or an on-going violation.

Board Member Wilhite asked if there is anything the Board can enforce if the respondent hasn't taken action by the next meeting. Chair Allen said if this is found to be a repeat violation then they can double the fines.

Board Member Hall said the Board should definitely impose fines if nothing has been started by the December meeting.

**Motion:** Find the property non-compliant and continue the case to the December meeting.

**Moved by:** Delories Hall

**Seconded by:** Kenneth Gordon

**Vote:** Motion carried unanimously

### **7. Announcements**

Chair Allen stated she is not happy with staff continuing cases to the following meeting without them being presented to the Board first as they have requested. She continued to express her dissatisfaction with how things are being handled regarding the Steel Rail cases.

Board Member Wilhite asked why the Board only meets every two months. Chair Allen said when the Board originally met once a month, there were only no more than one case at a time so they switched it over to two months to allow staff more time to accumulate cases and information, and to not waste the Board's volunteer time.

The Board discussed staff continuing cases without the Board's approval.

8. **Next Scheduled Meeting:** December 13, 2023

9. **Adjournment of Code Enforcement Board**

**Motion:** Adjourn

**Moved by:** Delories Hall

**Seconded by:** David Wilhite

**Vote:** Motion carried unanimously

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Board Chair

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Code Enforcement Officer

***\*\*The City adopts summary minutes. Audio files in official City records are retained according to the Florida Department of State GS1-SL records retention schedule\*\****





## City of Bunnell, Florida

### Agenda Item No. 6.

Document Date: 7/19/2023

Code Enforcement Case Number:  
Case Number 22-014

Department: Code Enforcement

Subject: Case Number 22-014 City of Bunnell vs. Ella Chageyeva

Address: 3295 Steel Rail Drive

Zoning: L-1 Light Industrial

Agenda Section: Old Business:

#### ATTACHMENTS:

Description	Type
Exhibit A - Property Appraiser's Info	Exhibit
Exhibit B - Picture Before Compliance	Exhibit
Exhibit C - Notice of Violation	Exhibit
Exhibit D - NOV/NTA Paperwork Staked & Stapled	Exhibit
Exhibit E - Timeline Since June 14th Code Board	Exhibit

Code Excepts: **Bunnell Land Development Code, Sec. 34-120, L-1 Light Industrial District.** The purpose of this district is to provide areas in which the principal use of land is for light manufacturing, fabricating, and assembly plants, business, services, offices, retail, storage, warehousing, wholesaling and distribution. The intent of this district is to permit and regulate uses so that the noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to adjacent land uses. This district is compatible with the industrial land use designation.

**Bunnell Land Development Code, Sec. 34-120(c)(1), Permitted Special Exception, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:**

(1) Tractor Trailer Storage Yards meeting the requirements.

**Bunnell Land Development Code, Sec. 34-120(c)(6), Permitted Special Exception, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:**

(6) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning, and appeals board.

**Bunnell Land Development Code Sec. 22-3(a)(2). - Applicability.**

(a) All site plan applications shall be reviewed pursuant to the procedures set

forth in this chapter. Site plans shall be required for each of the following:

(2) All uses requiring special exception approval.

**Bunnell Land Development Code, Sec. 22-4(a)(1)(b)(d), Any development or use requiring special exception approval.**

(a) Site plan thresholds.

(1) Major site plan. The following developments shall require site plan approval.

(b) New, nonresidential development comprised of 5,000 square feet or more of new impervious surface area.

(d) Any development or use requiring special exception approval.

**Bunnell Land Development Code, Sec. 22-9(a), Major Site Plan Submittal Requirements.**

(a) The purpose of this section is to ensure that all major and minor site plan applications include sufficient information and analysis for proper review and consideration regarding all comprehensive plan policies, land development regulations, and Code of Ordinances requirements. Omissions of individual elements must be approved by the community development director or his/her designee.

**Bunnell Land Development Code, Sec. 58-36(1)(2)(3), Levying of tax.**

The city hereby levies a local business tax and authorizes the issuance of said business tax receipts as authorized by F.S. ch. 205, for the following:

(1) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any business within its jurisdiction.

(2) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging (in or managing any profession or occupation within its jurisdiction.

(3) Any person who does not qualify under subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by s. 8, Art. I of the United States Constitution.

**Bunnell Land Development Code, Sec. 58-47(a)(b), Doing Business Without, Or Under A Fraudulently Obtained Local Business Tax Receipt.**

(a) It shall be unlawful for any person to engage in any trade, business, profession or occupation within the city without first obtaining a local business tax receipt as required by this article.

(b) It shall be unlawful for any person to engage in any trade, business, profession or occupation under a local business tax receipt issued upon a false statement or other false information.

Case Actions  
Information:

6-14-2022: On June 14, 2022, a Courtesy Notice was sent advising the following violations:

Sec. 34-120.(a) L-1, Light Industrial District

Sec. 34-120(c)(1), Permitted Special Exception, Tractor Trailer Storage Yards

Sec. 34-120(c)(6), Permitted Special Exception, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:  
Sec. 22-3(a)(2). - Applicability.  
Sec. 22-4(a)(1), Major site Plan.  
Sec. 22-4(d), Departmental Review of Site Plan Applications  
Sec. 22-9(a), Major Site Plan Submittal Requirements  
Sec. 58-36(1)(2)(3). Levying of Tax  
Sec. 58-47(a)(b). Doing Business Without, or Under a Fraudulently Obtained Local Business Tax Receipt

On June 19, 2022, a Notice of Violation (NOV) and Notice of Appearance (NOA) was staked at 3295 Steel Rail Drive. The Notices were also added to City of Bunnell (COB) bulletin board.

8-11-22: Code Board meeting was last night and Ella Chageyeva was present for 3295 Steel Rail Drive. Code Board found respondent in violation but continued this case since owner had started the Site Plan process. As long as there is progress there will be no fine. If there is no progress a \$100.00 fine will start September 30, 2022.

9-23-22: Owner is working on sight plan so I have sent a NOV & NTA certified letter for the October 12th code board meeting. Progress is moving slowly so staff will ask for a continuance to keep working on getting this case into compliance.

10-13-22: Went back to code board last night. Code Board found respondent non-compliant and to continue hoping for a December 6th PA board to help them be in compliance for our December 14th code board meeting.

11-15-22: Sent NOV Certified letter and posted NOV in front of property. Displayed NOV on the public community board at the Utilities office. Property owner is changing engineering which will slow and keep respondents from achieving compliance by the 12-14-22 CB meeting. Code Board will have to decide to continue this case with or without fine.

12-14-22: Code Board decided since there was an engineering change to continue this case until our February 8th meeting.

1-19-23: Sent certified NOV to 47 Edith Pope Drive then went and staked NOV at 3295 Steel Rail Drive. Took pictures of staked NOV. Posted NOV on City bulletin board.

2-9-23: This case has been continued to our April Code Board meeting. If not in compliance a fine will be encouraged so respondents will know the seriousness of being in compliance.

3-15-23: Sent out certified letters for the April 12th code board meeting. Staked NOV & NTA on property and hand delivered NOV hoping respondents will come into compliance before the April code board meeting.

4-13-23: Code Board meeting decided to continue to the June CB meeting. Respondent and Engineer are turning in site plan by end of week so this case is gradually working its way to compliance.

4/24/23: SWA Engineering turned in Site Plan for 3295 Steel Rail Drive which will go to CD for review.

5/18/23: Sent NOV certified letter. Posted & staked NOV at 3295 Steel Rail Drive for our June 14th code board meeting.

6-15-23: Code Board is continuing this case till our August 9th Code Board meeting but they are wanting to know in detail the progress of this case since the site plan was turned in on April 24th and permit wasn't ready at our June 9th Code Board meeting.

7-14-23: Sent Certified letter for August 9th meeting. Staked property with NOV. Nobody there to hand deliver NOV. Put copy of NOV on community board at Utilities department. Took pictures.

7-20-23: Received Timeline for everything that has progressed since our June 14th Code Enforcement Meeting in order to bring case 22-014 into compliance.

7-31-23: July 31, 2023 @3:33pm: a 60-business day extension was given to the applicant and their engineer of record to resubmit and respond to the comments issued on June 30, 2023 which would give them to October 17th.

9-15-23: Sent certified letter of NOV and staked NOV on Property 3295 Steel Rail Drive.

9-18-23: Community Development gave owner and engineering working on this project 60 days from July 31th to work on comments still needing to move forward which would be till October 17th.

11-21-23: Mailed out Certified letter to owner for December 13th Code Board meeting. Staked and posted on property NOV and took pictures. Posted NOV on Community Board in Unit 4 Utilities department.

Staff Recommendation: Staff recommends the Code Enforcement board find the subject property in violation of the City's Code of Ordinances. This case is showing steadily moving forward with Community Development so staff is asking for a continuance to our February code board meeting.

## Owner Information

### Primary Owner

[Chageyeva Ella](#)  
47 Edith Pope Dr  
Palm Coast, FL 32164

## Parcel Summary

Parcel ID	34-11-30-5736-00000-0050
Prop ID	9540
Location Address	3295 STEEL RAIL DR BUNNELL, FL 32110
Brief Tax Description*	STEEL RAIL INDUSTRIAL PARK REPLAT MB 37 PG 55 LOT 5 2.93 ACRES <i>(Note: *The Description above is not to be used on legal documents.)</i>
Property Use Code	VACANT INDUSTRIAL (004000)
Tax District	BUNNELL AREA WITH NO MOSQUITO CONTROL (District 13)
Millage Rate	22.0306
Homestead	N
GIS sqft	127,559.233

[View Map](#)

## Valuation

	2022 Working Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Building Value	\$0	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0	\$0
Land Value	\$232,120	\$148,645	\$120,820	\$101,077
Land Agricultural Value	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0
Just (Market) Value	\$232,120	\$148,645	\$120,820	\$101,077
Assessed Value	\$232,120	\$122,304	\$111,185	\$101,077
Exempt Value	\$0	\$0	\$0	\$0
Taxable Value	\$232,120	\$122,304	\$111,185	\$101,077
Protected Value	\$0	\$26,341	\$9,635	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.



11.21.2023 14:43



**STATEMENT OF VIOLATION  
& NOTICE TO APPEAR**

**November 21, 2023,**

**CASE NUMBER 22-014**

**TO: Ella Chageyeva  
47 Edith Pope Drive  
Palm Coast, Fl. 32164**

**VIA:** Hand Delivery by Gary Harris to 3295 Steel Rail Drive on November 21, 2023.  
Certified mail: Receipt No. 7020 1290 0000 2697 3846.  
Posting on Property: 3295 Steel Rail Drive, Bunnell, Fl. 32110 on Nov. 21, 2023.  
Posting at City Hall Public Notice Board on November 21, 2023.

**IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 22-014 ON PROPERTY OWNED BY YOU AND LOCATED AT 3295 STEEL RAIL DRIVE BUNNELL, FLORIDA, (PARCEL ID NUMBER: 34-11-30-5736-00000-0050), TO WIT: PROCEDURES FOR SITE PLAN REVIEW AND APPROVAL.**

**Bunnell Land Development Code Sec. 34-120. - L-1 Light industrial district.**

- (a) Purpose and intent. The purpose of this district is to provide areas in which the principal use of land is for light manufacturing, fabricating, and assembly plants, business, services, offices, retail, storage, warehousing, wholesaling, and distribution. The intent of this district is to permit and regulate uses so that the noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to adjacent land uses. These regulations are intended to prevent friction between uses within the district and to protect nearby residential districts. This district is compatible with the industrial land use designation.
- (c) Permitted special exception. Permitted special exceptions, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:
  - (6) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning, and appeals board.

**Bunnell Land Development Code Sec. 22-3. - Applicability.**

- (a) All site plan applications shall be reviewed pursuant to the procedures set forth in this chapter. Site plans shall be required for each of the following:
  - (2) All uses requiring special exception approval.

***Bunnell Land Development Code Sec. 22-4. - Procedures for site plan review and approval.***

- (a) Site plan thresholds.
  - (1) Major site plan. The following developments shall require major site plan approval:
- (b). New, nonresidential development comprised of 5,000 square feet or more of new impervious surface area.
- (d) *Any development or use requiring special exception approval.*

**Bunnell Land Development Code, Sec. 22-9, Major Site Plan Submittal Requirements.**

- (a) The purpose of this section is to ensure that all major and minor site plan applications include sufficient information and analysis for proper review and consideration regarding all comprehensive plan policies, land development regulations, and Code of Ordinances requirements. Omissions of individual elements must be approved by the community development director or his/her designee.

**Bunnell Code of Ordinance Sec. 58-36. - Levying of tax.**

The city hereby levies a local business tax and authorizes the issuance of said business tax receipts as authorized by F.S. Ch. 205, for the following:

- (1) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any business within its jurisdiction.
- (2) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

**Bunnell Code of Ordinance Sec. 58-47. - Doing business without, or under a fraudulently obtained local business tax receipt.**

- (a) It shall be unlawful for any person to engage in any trade, business, profession, or occupation within the city without first obtaining a local business tax receipt as required by this article.
- (b) It shall be unlawful for any person to engage in any trade, business, profession or occupation under a local business tax receipt issued upon a false statement or other false information.

***Being the Owner/Tenant of said following property, described as:***  
*3295 Steel Rail Drive, City of Bunnell, County of Flagler, State of Florida*  
*Parcel ID number 34-11-30-5736-00000-0050*

**Recommended corrective action:**

- Complete the site plan review process to improve or develop the subject property.
- The proposed site plan should ensure that all outdoor storage meets the zoning regulations.
- Apply for and obtain a local business tax receipt.



**THE VIOLATION IS BASED ON INVESTIGATION BY THE UNDERSIGNED CITY OF BUNNELL CODE ENFORCEMENT OFFICER, WHO IS AVAILABLE TO RESPOND TO ANY QUESTIONS YOU MAY HAVE. IT IS NOT POSSIBLE FOR THE PROPERTY TO FIND COMPLIANCE WITH CASE 21-014, UNLESS THIS VIOLATION FOR SITE PLAN BE IN COMPLIANCE.**

**YOU ARE HEREBY NOTIFIED THE VIOLATION SHALL BE REVIEWED BY THE CITY OF BUNNELL CODE ENFORCEMENT BOARD ON **DECEMBER 13, 2022, AT 6 PM** OR SOON THEREAFTER AT THE BUNNELL CITY HALL, AT WHICH TIME CODE ENFORCEMENT MAY 1) DISMISS THE VIOLATION IF COMPLIANCE HAS OCCURRED; 2) REQUEST CONTINUANCE OF THE CASE; OR 3) PRESENT TESTIMONY AND EVIDENCE OF THE VIOLATION TO THE CODE ENFORCEMENT BOARD.**

**AT THE HEARING, THE CITY OF BUNNELL CODE ENFORCEMENT BOARD MAY FIND VIOLATION OCCURRED AS NOTICED AND IMPOSE A FINE UP TO \$250 FOR THE FIRST VIOLATION OF THE CODE SECTION AND UP TO \$500 FOR A REPEAT VIOLATION WITHIN 5 YEARS. IF THE CODE ENFORCEMENT BOARD DETERMINES THE VIOLATION PRESENTED A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OR IF THE VIOLATION IS IRREPARABLE OR IRREVERSIBLE IN NATURE, IT MAY NOTIFY THE CITY OF BUNNELL FOR ABATEMENT OF THE VIOLATION OR IT MAY IMPOSE A FINE NOT TO EXCEED \$5,000 PER VIOLATION. IF A FINE IS NOT PAID, THE CITY MAY RECORD A COPY OF THE CODE ENFORCEMENT BOARD ORDER. THE UNPAID FINE SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION OCCURRED AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S). IF THE LIEN IS NOT SATISFIED, THE CODE ENFORCEMENT BOARD MAY AUTHORIZE THE FORECLOSURE OF THE LIEN OR THE CITY MAY SEEK PAYMENT BY OTHER LAWFUL MEANS.**

**YOU ARE ADVISED TO CHECK THE CITY WEBSITE FOR UP-TO-DATE INFORMATION ON ANY CHANGES IN THE MANNER IN WHICH THE HEARING WILL BE HELD AND ITS LOCATION.**

**AS REQUIRED BY SECTION 286.0105 FLORIDA STATUTES, IF YOU DECIDES TO APPEAL ANY DECISION MADE BY THE BUNNELL CODE ENFORCEMENT BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, YOU WILL NEED A RECORD OF THE PROCEEDINGS, AND YOU NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH AN APPEAL IS TO BE BASED. IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE CONTACT THE BUNNELL CITY CLERK AT 386-263-8808 PRIOR TO THE HEARING.**

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**Gary Harris**  
**Code Enforcement Officer**  
**City of Bunnell**  
**PO Box 756**  
**Bunnell, FL 32110**  
**386-263-8807**



**STATEMENT OF VIOLATION  
& NOTICE TO APPEAR**

November 21, 2023,

CASE NUMBER 22-014

TO: Ella Chageyeva  
47 Edith Pope Drive  
Palm Coast, FL 32164

VIA: Hand Delivery by Gary Harris to 3295 Steel Rail Drive on November 21, 2023.  
Certified mail: Receipt No. 7020 1290 0000 2697 4140.  
Posting on Property: 3295 Steel Rail Drive, Bunnell, FL 32110 on Nov. 21, 2023.  
Posting at City Hall Public Notice Board on November 21, 2023.

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- (a) Purpose and intent. The purpose of this district is to provide areas in which the principal use of land is for light manufacturing, fabricating, and assembly plants, business, services, offices, retail, storage, warehousing, wholesaling, and distribution. The intent of this district is to permit and regulate uses so that the noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to adjacent land uses. These regulations are intended to prevent friction between uses within the district and to protect nearby residential districts. This district is compatible with the industrial land use designation.
- (c) Permitted special exception. Permitted special exceptions, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:
- (6) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning, and appeals board.

**Bunnell Land Development Code Sec. 22-3. - Applicability.**

- (a) All site plan applications shall be reviewed pursuant to the procedures set forth in this chapter. Site plans shall be required for each of the following:
- (2) All uses requiring special exception approval.

**Bunnell Land Development Code Sec. 22-4. - Procedures for site plan review and approval.**

STAPLES

11.21.2023 14:44

## **3295 Steel Rail Dr Site Plan Timeline since June Code Board Meeting**

- June 15, 2023 @8:18am: sent an email to the TRC asking for any remaining comments. sent a calendar invite for this deadline for Friday, June 23, 2023.
- June 30, 2023 @10.24am: Letter of comments for the project submittal were sent to Dan Wilcox, the engineer of record.
- July 31, 2023 @2:00pm: The engineer of record requested an extension to respond to City comments and resubmit the major site plan.
- July 31, 2023 @3:33pm: a 60-business day extension was given to the applicant and their engineer of record to resubmit and respond to the comments issued on June 30, 2023.
- Received the 4<sup>th</sup> submittal on October 27<sup>th</sup>, 2023.
- 4<sup>th</sup> submittal deemed complete on November 3, 2023.
- 4<sup>th</sup> submittal documents/plans were sent to the Technical Review Committee on November 3, 2023 @1:58pm.



## City of Bunnell, Florida

### Agenda Item No. 7.

Document Date: 5/23/2023

Code Enforcement Case Number:  
Case Number 22-015

Department: Code Enforcement

Subject: Case Number 22-015 City of Bunnell vs. Armando Toyos & Nayrobi  
Rodriguez

Address: 3330 Steel Rail Drive

Zoning: L-1 Light Industrial

Agenda Section: Old Business:

#### ATTACHMENTS:

Description	Type
Exhibit A - Property Appraiser's Info	Exhibit
Exhibit B - Picture Before Compliance	Exhibit
Exhibit C - Notice of Violation	Exhibit
Exhibit D - NOV/NTA Paperwork Staked & Stapled	Exhibit

Code Excepts: **Bunnell Land Development Code, Sec. 34-120, L-1 Light Industrial District.**

(a) The purpose of this district is to provide areas in which the principal use of land is for light manufacturing, fabricating, and assembly plants, business, services, offices, retail, storage, warehousing, wholesaling and distribution. The intent of this district is to permit and regulate uses so that the noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to adjacent land uses. This district is compatible with the industrial land use designation.

(c) Permitted special exception. Permitted special exceptions, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:

(6) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning, and appeals board.

**Bunnell Land Development Code, Sec. 22-3, (a)(2) Applicability.**

(a) All site plan applications shall be reviewed pursuant to the procedures set forth in this chapter. Site plans shall be required for each of the following:

(2) All uses requiring special exception approval.

**Bunnell Land Development Code, Sec. 22-4(b)(d) Any development or use requiring special exception approval.**

- (b) New, nonresidential development comprised of 5,000 square feet or more of new impervious surface area.
- (d) Any development or use requiring special exception approval.

**Bunnell Land Development Code, Sec. 22-9, Major Site Plan Submittal Requirements.**

(a) The purpose of this section is to ensure that all major and minor site plan applications include sufficient information and analysis for proper review and consideration regarding all comprehensive plan policies, land development regulations, and Code of Ordinances requirements. Omissions of individual elements must be approved by the community development director or his/her designee.

**Bunnell Land Development Code, Sec. 58-36, Levying of tax.**

The city hereby levies a local business tax and authorizes the issuance of said business tax receipts as authorized by F.S. ch. 205, for the following:

- (1) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any business within its jurisdiction.
- (2) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging (in or managing any profession or occupation within its jurisdiction.

**Bunnell Land Development Code, Sec. 58-47, Doing Business Without, Or Under A Fraudulently Obtained Local Business Tax Receipt.**

- (a) It shall be unlawful for any person to engage in any trade, business, profession or occupation within the city without first obtaining a local business tax receipt as required by this article.
- (b) It shall be unlawful for any person to engage in any trade, business, profession or occupation under a local business tax receipt issued upon a false statement or other false information.

Case Actions  
Information:

6-14-22: Sent Courtesy letter for violation Sec 22-4 Procedures for Site plan review and approval. Sec 34-120 Light Industrial district. Sec 26-56 Storing, parking or leaving motor vehicle. Sec 58-36 Levying of tax. Sec 58-47 Doing business without a local business tax. Sec 70-1 Removal of certain plants, weeds, trash, and litter.

7-19-22: Sent NOV & NTA certified letter for code enforcement board on August 10,2022. Took pictures of NOV staked at 3330 Steel Rail Drive. Put copy of NOV in COB bulletin board at 604 E. Moody Blvd. Unit 6.

8-11-2022: Code Board meeting was last night, and Nayrobi Rodriguez was present for 3330 Steel Rail Drive. Code Board found respondent in violation but to continue this case since owner has started the Site Plan process. As long as there is progress, there will be no fine. If there is no progress a \$100.00 fine will start September 30, 2022.

8-30-22: 3330 Steel Rail Drive has delivered their site plan and the Community Development is reviewing it.

9-23-2022: Owner is working on sight plan, so I have sent a NOV & NTA certified letter for the October 12th code board meeting. Progress is moving slowly so staff will ask for a continuance to keep working on getting this case into compliance.

10-13-2022: Went back to code board last night. Code Board found respondent non-compliant and to continue hoping for a December 6th PZA board to help them to be in compliance for 12-14-22 CB meeting.

11-15-2022: Sent NOV Certified letter and posted NOV in front of property. Displayed NOV at public community board at Utilities office. Property owner is changing engineering firms which will slow and keep respondent from achieving compliance by the 12-14-22 CB meeting. Code Board will have to decide to continue this case with or without fines.

12-14-22: Code Board decided since there was an engineering change to continue this case till our April 12th meeting.

1-19-23: Sent certified NOV to 47 Edith Pope Drive then went and staked NOV at 3295 Steel Rail Drive. Took pictures of staked NOV. Posted NOV on City bulletin board.

2-9-23: This case has been continued till our April Code Board meeting. If not in compliance a fine will be encouraged so respondent will know the seriousness to be in compliance.

3/15/23: Sent out certified letters for the April 12th code board meeting. Staked NOV & NTA on property and hand delivered NOV hoping respondent will come into compliance before the April code board meeting.

4/13/23: Code Board meeting decided to continue to the June CB meeting with a fine of \$100.00 per day until site plan is turned in. Filled out Order Imposing Fine and mailed to owners then went to Clerk of the Court and had lien recorded.

5/18/23: Sent NOV certified letter. Posted & staked NOV at 3330 Steel Rail Drive for our June 14th code board meeting.

11-21-23: Mailed out Certified letter to owner for December 13th Code Board meeting. Staked and posted on property NOV and took pictures. Posted NOV on Community Board in Unit 4 Utilities department.

11-29-23: Staff asked Community Development for any updates for 3330 Steel Rail Drive and were told they have had no contact with the owners. Community Development has been in contact with SWA Engineering who are working with the owner to come up with a Site Plan.

Staff Recommendation: Staff recommends the Code Board find the respondent in violation of the City Code Sections cited. The owner has been paying a \$100.00 per day fine

since 4/13/23 and is working with SWA Engineering for their Site Plan for 3330 Steel Rail Drive. Staff recommends this case to be continued to the February Code Enforcement Board hearing with the continued fine of \$100.00 per day until site plan is turned in.



## Owner Information

### Primary Owner

[Toyos Armando](#)

& Nayrobi Rodriguez H&W

141 Pine Grove Drive

Palmcoast, FL 32164

## Parcel Summary

Parcel ID	34-11-30-5736-00000-0140
Prop ID	9552
Location Address	3330 STEEL RAIL DR BUNNELL, FL 32110
Brief Tax Description*	STEEL RAIL INDUSTRIAL PARK REPLAT MB 37 PG 55 LOT 14 (2.92 AC) OR 2207/1835 <i>(Note: *The Description above is not to be used on legal documents.)</i>
Property Use Code	VACANT INDUSTRIAL (004000)
Tax District	BUNNELL AREA WITH NO MOSQUITO CONTROL (District 13)
Millage Rate	22.0306
Homestead	N
GIS sqft	127,010.144

[View Map](#)

## Valuation

	2022 Working Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Building Value	\$0	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$0	\$0
Land Value	\$152,420	\$97,700	\$79,460	\$65,504
Land Agricultural Value	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0
Just (Market) Value	\$152,420	\$97,700	\$79,460	\$65,504
Assessed Value	\$107,470	\$97,700	\$72,054	\$65,504
Exempt Value	\$0	\$0	\$0	\$0
Taxable Value	\$107,470	\$97,700	\$72,054	\$65,504
Protected Value	\$44,950	\$0	\$7,406	\$0



11.21.2023 14:41



**STATEMENT OF VIOLATION  
& NOTICE TO APPEAR**

**November 21, 2023,**

**CASE NUMBER 22-015**

**TO: Armando Toyos & Nayrobi Rodriguez  
141 Pine Grove Drive  
Palm Coast, Fl. 32164**

**VIA:** Hand Delivery by Gary Harris to 3330 Steel Rail Drive on November 21, 2023.  
Certified mail: Receipt No. 7020 1290 0000 2697 3860  
Posting on Property: 3330 Steel Rail Drive, Bunnell, Fl. 32110 on Nov. 21, 2023.  
Posting at City Hall Public Notice Board on November 21, 2023.

**IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 22-015 ON PROPERTY OWNED BY YOU AND LOCATED AT 3330 STEEL RAIL DRIVE BUNNELL, FLORIDA, (PARCEL ID NUMBER: 34-11-30-5736-00000-0140), TO WIT: PROCEDURES FOR SITE PLAN REVIEW AND APPROVAL.**

**Bunnell Land Development Code Sec. 34-120. - L-1 Light industrial district.**

- (a) Purpose and intent. The purpose of this district is to provide areas in which the principal use of land is for light manufacturing, fabricating, and assembly plants, business, services, offices, retail, storage, warehousing, wholesaling, and distribution. The intent of this district is to permit and regulate uses so that the noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to adjacent land uses. These regulations are intended to prevent friction between uses within the district and to protect nearby residential districts. This district is compatible with the industrial land use designation.
- (c) Permitted special exception. Permitted special exceptions, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:
  - (6) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning, and appeals board.

**Bunnell Land Development Code Sec. 22-3. - Applicability.**

- (a) All site plan applications shall be reviewed pursuant to the procedures set forth in this chapter. Site plans shall be required for each of the following:
  - (2) All uses requiring special exception approval.

***Bunnell Land Development Code Sec. 22-4. - Procedures for site plan review and approval.***

- (a) Site plan thresholds.
  - (1) Major site plan. The following developments shall require major site plan approval:
- (b). New, nonresidential development comprised of 5,000 square feet or more of new impervious surface area.
- (d) Any development or use requiring special exception approval.

***Bunnell Land Development Code, Sec. 22-9, Major Site Plan Submittal Requirements.***

- (a) *The purpose of this section is to ensure that all major and minor site plan applications include sufficient information and analysis for proper review and consideration regarding all comprehensive plan policies, land development regulations, and Code of Ordinances requirements. Omissions of individual elements must be approved by the community development director or his/her designee.*

**Bunnell Code of Ordinance Sec. 58-36. - Levying of tax.**

The city hereby levies a local business tax and authorizes the issuance of said business tax receipts as authorized by F.S. Ch. 205, for the following:

- (1) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any business within its jurisdiction.
- (2) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

**Bunnell Code of Ordinance Sec. 58-47. - Doing business without, or under a fraudulently obtained local business tax receipt.**

- (a) It shall be unlawful for any person to engage in any trade, business, profession, or occupation within the city without first obtaining a local business tax receipt as req by this article.
- (b) It shall be unlawful for any person to engage in any trade, business, profession or occupation under a local business tax receipt issued upon a false statement or other false information.

***Being the Owner/Tenant of said following property, described as:***  
*3330 Steel Rail Drive, City of Bunnell, County of Flagler, State of Florida*  
*Parcel ID number 34-11-30-5736-00000-0140*

**Recommended corrective action:**

- Complete the site plan review process to improve or develop the subject property.
- The proposed site plan should ensure that all outdoor storage meets the zoning regulations.
- Apply for and obtain a local business tax receipt.

**THE VIOLATION IS BASED ON INVESTIGATION BY THE UNDERSIGNED CITY OF BUNNELL CODE ENFORCEMENT OFFICER, WHO IS AVAILABLE TO RESPOND TO ANY QUESTIONS YOU MAY HAVE. IT IS NOT POSSIBLE FOR THE PROPERTY TO FIND COMPLIANCE WITH CASE 22-15, UNLESS THIS VIOLATION FOR SITE PLAN BE IN COMPLIANCE.**

**YOU ARE HEREBY NOTIFIED THE VIOLATION SHALL BE REVIEWED BY THE CITY OF BUNNELL CODE ENFORCEMENT BOARD ON **OCTOBER 13, 2023, AT 6 PM** OR SOON THEREAFTER AT THE BUNNELL CITY HALL, AT WHICH TIME CODE ENFORCEMENT MAY 1) DISMISS THE VIOLATION IF COMPLIANCE HAS OCCURRED; 2) REQUEST CONTINUANCE OF THE CASE; OR 3) PRESENT TESTIMONY AND EVIDENCE OF THE VIOLATION TO THE CODE ENFORCEMENT BOARD.**

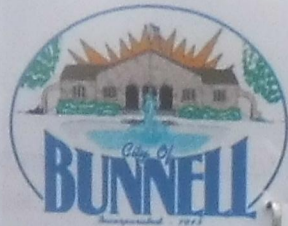
**AT THE HEARING, THE CITY OF BUNNELL CODE ENFORCEMENT BOARD MAY FIND VIOLATION OCCURRED AS NOTICED AND IMPOSE A FINE UP TO \$250 FOR THE FIRST VIOLATION OF THE CODE SECTION AND UP TO \$500 FOR A REPEAT VIOLATION WITHIN 5 YEARS. IF THE CODE ENFORCEMENT BOARD DETERMINES THE VIOLATION PRESENTED A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OR IF THE VIOLATION IS IRREPARABLE OR IRREVERSIBLE IN NATURE, IT MAY NOTIFY THE CITY OF BUNNELL FOR ABATEMENT OF THE VIOLATION OR IT MAY IMPOSE A FINE NOT TO EXCEED \$5,000 PER VIOLATION. IF A FINE IS NOT PAID, THE CITY MAY RECORD A COPY OF THE CODE ENFORCEMENT BOARD ORDER. THE UNPAID FINE SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION OCCURRED AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S). IF THE LIEN IS NOT SATISFIED, THE CODE ENFORCEMENT BOARD MAY AUTHORIZE THE FORECLOSURE OF THE LIEN OR THE CITY MAY SEEK PAYMENT BY OTHER LAWFUL MEANS.**

**YOU ARE ADVISED TO CHECK THE CITY WEBSITE FOR UP-TO-DATE INFORMATION ON ANY CHANGES IN THE MANNER IN WHICH THE HEARING WILL BE HELD AND ITS LOCATION.**

**AS REQUIRED BY SECTION 286.0105 FLORIDA STATUTES, IF YOU DECIDES TO APPEAL ANY DECISION MADE BY THE BUNNELL CODE ENFORCEMENT BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, YOU WILL NEED A RECORD OF THE PROCEEDINGS, AND YOU NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH AN APPEAL IS TO BE BASED. IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE CONTACT THE BUNNELL CITY CLERK AT 386-263-8808 PRIOR TO THE HEARING.**

---

**Gary Harris  
Code Enforcement Officer  
City of Bunnell  
PO Box 756  
Bunnell, FL 32110  
386-263-8807**



**STATEMENT OF VIOLATION  
& NOTICE TO APPEAR**

November 21, 2023,

CASE NUMBER 22-015

TO: Armando Toyos & Nayrobi Rodriguez  
141 Pine Grove Drive  
Palm Coast, Fl. 32164

VIA: Hand Delivery by Gary Harris to 3330 Steel Rail Drive on November 21, 2023.  
Certified mail: Receipt No. 7020 1290 0000 2697 4157  
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**Bunnell Land Development Code Sec. 34-120. - L-1 Light industrial district.**

- (a) Purpose and intent. The purpose of this district is to provide areas in which the principal use of land is for light manufacturing, fabricating, and assembly plants, business, services, offices, retail, storage, warehousing, wholesaling, and distribution. The intent of this district is to permit and regulate uses so that the noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to adjacent land uses. These regulations are intended to prevent friction between uses within the district and to protect nearby residential districts. This district is compatible with the industrial land use designation.
- (c) Permitted special exception. Permitted special exceptions, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:
  - (6) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning, and appeals board.

**Bunnell Land Development Code Sec. 22-3. - Applicability.**

- (a) All site plan applications shall be reviewed pursuant to the procedures set forth in this chapter. Site plans shall be required for each of the following:
  - (2) All uses requiring special exception approval.

**Bunnell Land Development Code Sec. 22-4. - Procedures for site plan review and approval.**

11.21.2023 14:41



## City of Bunnell, Florida

### Agenda Item No. 8.

Document Date: 7/20/2023

Code Enforcement Case Number:  
Case Number 22-016

Department: Code Enforcement

Subject: Case Number 22-016 City of Bunnell vs. Abama Mama, LLC

Address: 3220 Steel Rail Drive

Zoning: L-1 Light Industrial

Agenda Section: Old Business:

#### ATTACHMENTS:

Description	Type
Exhibit A - Property Appraiser's Info	Exhibit
Exhibit B - Picture Before Compliance	Exhibit
Exhibit C - Notice of Violation	Exhibit
Exhibit D - NOV/NTA Paperwork Staked & Stapled	Exhibit

Code Excepts: **Bunnell Land Development Code, Sec. 34-120, L-1 Light Industrial District.**

The purpose of this district is to provide areas in which the principal use of land is for light manufacturing, fabricating, and assembly plants, business, services, offices, retail, storage, warehousing, wholesaling and distribution. The intent of this district is to permit and regulate uses so that the noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to adjacent land uses. This district is compatible with the industrial land use designation.

**Bunnell Land Development Code, Sec. 34-120(c)(1), Permitted Special Exception. Permitted special exceptions, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:**  
(1) Tractor Trailer Storage Yards meeting the requirements.

**Bunnell Land Development Code, Sec. 34-120(c)(6), Permitted Special Exception. Permitted special exceptions, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:**  
(6) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning, and appeals board.

**Bunnell Land Development Code, Sec. 22-3(a)(2), - Applicability.**  
(a) All site plan applications shall be reviewed pursuant to the procedures set



forth in this chapter. Site plans shall be required for each of the following:

(2) All uses requiring special exception approval.

**Bunnell Land Development Code, Sec. 22-4(a)(1)(b)(d)**

(a) Site plan thresholds.

(1) Major site plan. The following developments shall require site plan approval.

(b) New, nonresidential development comprised of 5,000 square feet or more of new impervious surface area.

(d) Any development or use requiring special exception approval.

**Bunnell Land Development Code, Sec. 22-9, Major Site Plan Submittal Requirements.**

(a) The purpose of this section is to ensure that all major and minor site plan applications include sufficient information and analysis for proper review and consideration regarding all comprehensive plan policies, land development regulations, and Code of Ordinances requirements. Omissions of individual elements must be approved by the community development director or his/her designee.

**Bunnell Land Development Code, Sec. 58-36, Levying of tax.**

The city hereby levies a local business tax and authorizes the issuance of said business tax receipts as authorized by F.S. ch. 205, for the following:

(1) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any business within its jurisdiction.

(2) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging (in or managing any profession or occupation within its jurisdiction.

(3) Any person who does not qualify under subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by s. 8, Art. I of the United States Constitution.

**Bunnell Land Development Code, Sec. 58-47(a)(b), Doing Business Without, Or Under A Fraudulently Obtained Local Business Tax Receipt.**

(a) It shall be unlawful for any person to engage in any trade, business, profession or occupation within the city without first obtaining a local business tax receipt as required by this article.

(b) It shall be unlawful for any person to engage in any trade, business, profession or occupation under a local business tax receipt issued upon a false statement or other false information.

Case Actions  
Information:

6-14-22: Sent Courtesy letter for violation Sec 22-4 Procedures for Site plan review and approval. Sec 34-120 Light Industrial district. Sec 26-56 Storing, parking or leaving motor vehicle. Sec 58-36 Levying of tax. Sec 58-47 Doing business without a local business tax. Sec 70-1 Removal of certain plants, weeds, trash, and litter.

6-19-22: Sent Certified letter then went and staked NOV at 3220 Steel Rail Drive. Added to COB bulletin board.

7-19-22: Sent NOV & NTA certified letter for code enforcement board on August 10, 2022. Took pictures of NOV staked at 3220 Steel Rail Drive. Put copy of NOV in COB bulletin board at 604 E. Moody Blvd. Unit 6.

8-11-2022: Code Board meeting was last night, and Marie Domingues was present for 3220 Steel Rail Drive. Code Board found respondent in violation but to continue this case since owner has started the Site Plan process. If there is progress, there will be no fine. If there is no progress a \$100.00 fine will start September 30, 2022.

9-23-22: Owner is working on site plan so I have sent a NOV & NTA certified letter for the October 12th code board meeting. Progress is moving slowly so staff will ask for a continuance to keep working on getting this case into compliance.

10-13-22: Went back to code board last night. Code Board found respondent non-compliant and to continue hoping for a December 6th PZA board to help them to be in compliance for 12-14-22 CB meeting.

11-15-22: Sent NOV Certified letter and posted NOV in front of property. Displayed Nov at public community board at Utilities office. Property Owner is selling property which will slow and keep respondent from achieving compliance by the 12-14-22 CB meeting. Code Board will have to decide to continue this case with or without fine.

12-15-22: Code Board last night agreed to continue case to April 12th meeting. Respondent Igor Zis is representing the new owner who said Joe Parsons will represent respondent with engineering issues and help getting this case into compliance. Should see lots of production before April CB meeting.

1-19-23: Sent certified NOV to 47 Edith Pope Drive then went and staked NOV at 3295 Steel Rail Drive. Took pictures of staked NOV. Posted NOV on City bulletin board.

2-9-23: This case has been continued till our April Code Board meeting. If not in compliance a fine will be encouraged so respondent will know the seriousness to be in compliance.

3/15/23: Sent out certified letters for the April 12th code board meeting. Staked NOV & NTA on property and hand delivered NOV hoping respondent will come into compliance before the April code board meeting.

4/13/23: Code Board meeting decided to continue to the June CB meeting. Respondent and engineering is turning in site plan soon so this case is gradually working its way to compliance.

5/18/23: Sent NOV certified letter. Posted & staked NOV at 3220 Steel Rail Drive for our June 14th code board meeting.

6-15-23: Code Board is continuing this case till our August 9th Code Board meeting but they are wanting to know in detail the progress of this case when the site plan is turned in and when permit will be ready at our August 9th Code Board meeting.

7-14-23: Sent Certified letter for August 9th meeting. Staked property with NOV. Nobody there to hand deliver NOV. Put copy of NOV on community board at Utilities department. Took pictures.

9-15-23: Sent certified letter of NOV and staked NOV on property 3220 Steel Rail Drive.

11-21-23: Mailed out Certified letter to owner for December 13th Code Board meeting. Staked and posted on property NOV and took pictures. Posted NOV on Community Board in Unit 4 Utilities department.

11-29-23: Staff asked Community Development for any updates for 3220 Steel Rail Drive and were told they have had no contact with the owners. Community Development has been in contact with SWA Engineering who are working with the owner to come up with a Site Plan. SWA Engineering was close to turning in Site Plan, but the owner changed his mind on what business will be at this location, so the process has started over again with site plan procedure. On 10/2/23 Community Development Director granted an extension till 2/6/24 to have Site Plan turned into Community Development.

Staff

Recommendation:

Staff recommends the Board of Code Enforcement to find the subject property in violation of the City's Code of Ordinances. The owner has till 2/6/24 to have Site Plan turned into Community Development. If not a fine of \$100.00 per day will start February 7th until a completed site plan has been turned in with all comments approved to show progress is moving forward.

## Owner Information

Primary Owner  
Alabama Mama LLC  
1 Surrey Court  
Palm Coast, FL 32137

## Parcel Summary

Parcel ID 34-11-30-5736-00000-0110  
Prop ID 9549  
Location Address 3220 STEEL RAIL DR  
BUNNELL, FL 32110  
Brief Tax Description\* STEEL RAIL INDUSTRIAL PARK MB 37 PG 55 LOT 11 (4.92 AC) OR 2389/1953  
(Note: \*The Description above is not to be used on legal documents.)  
Property Use Code OUTDOOR STORAGE (004910)  
Tax District BUNNELL AREA WITH NO MOSQUITO CONTROL (District 13)  
Millage Rate 21.5516  
Homestead N  
GIS sqft 214,449.772

[View Map](#)

## Valuation

	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Building Value	\$0	\$0	\$0	\$0
Extra Features Value	\$3,792	\$4,064	\$0	\$0
Land Value	\$259,238	\$166,853	\$136,057	\$114,521
Land Agricultural Value	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0
Just (Market) Value	\$263,030	\$170,917	\$136,057	\$114,521
Assessed Value	\$156,219	\$142,634	\$125,973	\$114,521
Exempt Value	\$0	\$0	\$0	\$0
Taxable Value	\$156,219	\$142,634	\$125,973	\$114,521
Protected Value	\$106,811	\$28,283	\$10,084	\$0

\*Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.



NOTICE  
This area is under construction and access is restricted. No vehicles or equipment are allowed without the express permission of the site manager. All personnel must wear safety gear and follow all posted safety protocols. For more information, contact the site office at [phone number].

11.21.2023 14:47



**STATEMENT OF VIOLATION  
& NOTICE TO APPEAR**

**November 21, 2023,**

**CASE NUMBER 22-016**

**TO: Abama Mama LLC  
1 Surrey Court  
Palm Coast, Fl. 32137**

**VIA:** Hand Delivery by Gary Harris to 3220 Steel Rail Drive on November 21, 2023.  
Certified mail: Receipt No. 7020 1290 0000 2697 3853.  
Posting on Property: 3220 Steel Rail Drive, Bunnell, Fl. 32110 on Nov. 21, 2023.  
Posting at City Hall Public Notice Board on November 21, 2023.

**IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 22-016 ON PROPERTY OWNED BY YOU AND LOCATED AT 3220 STEEL RAIL DRIVE BUNNELL, FLORIDA, (PARCEL ID NUMBER: 34-11-30-5736-00000-0110), TO WIT: PROCEDURES FOR SITE PLAN REVIEW AND APPROVAL.**

***Bunnell Land Development Code Sec. 34-120. - L-1 Light industrial district.***

- (a) Purpose and intent. The purpose of this district is to provide areas in which the principal use of land is for light manufacturing, fabricating, and assembly plants, business, services, offices, retail, storage, warehousing, wholesaling, and distribution. The intent of this district is to permit and regulate uses so that the noise, odor, dust, and glare of each operation is controlled to prevent becoming a nuisance to adjacent land uses. These regulations are intended to prevent friction between uses within the district and to protect nearby residential districts. This district is compatible with the industrial land use designation.*
- (c) Permitted special exception. Permitted special exceptions, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:  
(6) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning, and appeals board.*

***Bunnell Land Development Code Sec. 22-3. - Applicability.***

- (a) All site plan applications shall be reviewed pursuant to the procedures set forth in this chapter. Site plans shall be required for each of the following:  
(2) All uses requiring special exception approval.*

**Bunnell Land Development Code Sec. 22-4. - Procedures for site plan review and approval.**

(a) *Site plan thresholds.*

(1) *Major site plan. The following developments shall require major site plan approval:*

(b). *New, nonresidential development comprised of 5,000 square feet or more of new impervious surface area.*

**Bunnell Code of Ordinance Sec. 58-36. - Levying of tax.**

*The city hereby levies a local business tax and authorizes the issuance of said business tax receipts as authorized by F.S. Ch. 205, for the following:*

(1) *Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any business within its jurisdiction.*

(2) *Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.*

(3) *Any person who does not qualify under subsection (1) or subsection (2) and interstate commerce, if the business tax is not prohibited by s. 8, Art. I of the United States Constitution.*

**Bunnell Code of Ordinance Sec. 58-47. - Doing business without, or under a fraudulently obtained local business tax receipt.**

(a) *It shall be unlawful for any person to engage in any trade, business, profession, or occupation within the city without first obtaining a local business tax receipt as required by this article.*

(b) *It shall be unlawful for any person to engage in any trade, business, profession or occupation under a local business tax receipt issued upon a false statement or other false information.*

**Being the Owner/Tenant of said following property, described as:**

*3220 Steel Rail Drive, City of Bunnell, County of Flagler, State of Florida*

*Parcel ID number 34-11-30-5736-00000-0110*

**Recommended corrective action:**

- Complete the site plan review process to improve or develop the subject property.
- The proposed site plan should ensure that all outdoor storage meets the zoning regulations.
- Apply for and obtain a local business tax receipt.

**THE VIOLATION IS BASED ON INVESTIGATION BY THE UNDERSIGNED CITY OF BUNNELL CODE ENFORCEMENT OFFICER, WHO IS AVAILABLE TO RESPOND TO ANY QUESTIONS YOU MAY HAVE. IT IS NOT POSSIBLE FOR THE PROPERTY TO FIND COMPLIANCE WITH CASE 22-016, UNLESS THIS VIOLATION FOR SITE PLAN BE IN COMPLIANCE.**

**YOU ARE HEREBY NOTIFIED THE VIOLATION SHALL BE REVIEWED BY THE CITY OF BUNNELL CODE ENFORCEMENT BOARD ON **DECEMBER 13, 2023**, AT 6 PM OR SOON THEREAFTER AT THE BUNNELL CITY HALL, AT WHICH TIME CODE ENFORCEMENT MAY 1) DISMISS THE VIOLATION IF COMPLAINT HAS OCCURRED; 2) REQUEST CONTINUANCE OF THE CASE; OR 3) PRESENT TESTIMONY AND EVIDENCE OF THE VIOLATION TO THE CODE ENFORCEMENT BOARD.**

**AT THE HEARING, THE CITY OF BUNNELL CODE ENFORCEMENT BOARD MAY FIND VIOLATION OCCURRED AS NOTICED AND IMPOSE A FINE UP TO \$250 FOR THE FIRST VIOLATION OF THE CODE SECTION AND UP TO \$500 FOR A REPEAT VIOLATION WITHIN 5 YEARS. IF THE CODE ENFORCEMENT BOARD DETERMINES THE VIOLATION PRESENTED A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OR IF THE VIOLATION IS IRREPARABLE OR IRREVERSIBLE IN NATURE, IT MAY NOTIFY THE CITY OF BUNNELL FOR ABATEMENT OF THE VIOLATION OR IT MAY IMPOSE A FINE NOT TO EXCEED \$5,000 PER VIOLATION. IF A FINE IS NOT PAID, THE CITY MAY RECORD A COPY OF THE CODE ENFORCEMENT BOARD ORDER. THE UNPAID FINE SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION OCCURRED AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S). IF THE LIEN IS NOT SATISFIED, THE CODE ENFORCEMENT BOARD MAY AUTHORIZE THE FORECLOSURE OF THE LIEN OR THE CITY MAY SEEK PAYMENT BY OTHER LAWFUL MEANS.**

**YOU ARE ADVISED TO CHECK THE CITY WEBSITE FOR UP-TO-DATE INFORMATION ON ANY CHANGES IN THE MANNER IN WHICH THE HEARING WILL BE HELD AND ITS LOCATION.**

**AS REQUIRED BY SECTION 286.0105 FLORIDA STATUTES, IF YOU DECIDES TO APPEAL ANY DECISION MADE BY THE BUNNELL CODE ENFORCEMENT BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, YOU WILL NEED A RECORD OF THE PROCEEDINGS, AND YOU NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH AN APPEAL IS TO BE BASED. IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE CONTACT THE BUNNELL CITY CLERK AT 386-263-8808 PRIOR TO THE HEARING.**

---

**Gary Harris  
Code Enforcement Officer  
City of Bunnell  
PO Box 756  
Bunnell, FL 32110  
386-263-8807**





**STATEMENT OF VIOLATION  
& NOTICE TO APPEAR**

November 21, 2023,

CASE NUMBER 22-016

TO: Abama Mama LLC  
1 Surrey Court  
Palm Coast, Fl. 32137

VIA: Hand Delivery by Gary Harris to 3220 Steel Rail Drive on November 21, 2023.  
Certified mail: Receipt No. 7020 1290 0000 2697 4164.  
Posting on Property: 3220 Steel Rail Drive, Bunnell, Fl. 32110 on Nov. 21, 2023.  
Posting at City Hall Public Notice Board on November 21, 2023.

**IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 22-016 ON PROPERTY OWNED BY YOU AND LOCATED AT 3220 STEEL RAIL DRIVE BUNNELL, FLORIDA, (PARCEL ID NUMBER: 34-11-30-5736-00000-0110), TO WIT: PROCEDURES FOR SITE PLAN REVIEW AND APPROVAL.**

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- (c) Permitted special exception. Permitted special exceptions, which are subject to approval by the local planning agency, in the L-1 district shall be as follows:
  - (6) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning, and appeals board.

***Bunnell Land Development Code Sec. 22-3. - Applicability.***

- (a) All site plan applications shall be reviewed pursuant to the procedures set forth in this chapter. Site plans shall be required for each of the following:
  - (2) All uses requiring special exception approval.

11.21.2023 14:47



## City of Bunnell, Florida

### Agenda Item No. 9.

Document Date: 11/28/2023

Code Enforcement Case Number:  
Case Number 23-013

Department: Code Enforcement

Subject: Case Number 23-013 City of Bunnell vs. Torres Arturo Trustee

Address: 200 S Bacher St

Zoning: R-3B

Agenda Section: Old Business:

#### ATTACHMENTS:

Description	Type
Exhibit A - Property Appraiser's Info	Exhibit
Exhibit B - Picture Before Compliance	Exhibit
Exhibit C - Notice of Violation	Exhibit
Exhibit D - NOV/NTA Paperwork Staked & Stapled	Exhibit
Exhibit E - Timeline of Case 18-023 - 200 S. Bacher Street	Exhibit

Code Excepts: **Bunnell Land Development Code Sec. 34-115. - R-3B Multiple-family residential district.**

(a) Scope and general description. This section applies to the R-3B Multiple-family residential district. This is a residential district to provide for high density residential developments. The principal uses of land may range from single-family low density to multiple-family apartment uses. Certain uses which are more functionally compatible with intensive residential uses than with commercial uses are permitted. Recreational areas are permitted. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and useable open space for dwellings and related facilities and through consideration of the functional relationship to each use permitted in this district. No R-3B Multiple-family residential district may be created which contains more than 20 dwelling units per acre. This district is compatible with the multifamily land use category.

(c) Permitted special exception. Permitted special exceptions in the R-3B district shall be as follows:

(10) Other uses not listed above that may be compatible with and compliment the permitted uses of the district as approved by the planning, zoning, and appeals board.

**Bunnell Land Development Code of Ordinance Sec. 26-108. - Dangerous buildings.**

(a) Definition. All structures which have any or all the following conditions, such that the life, health, property or safety of the occupants or the general public are endangered, are deemed dangerous buildings:

(4) The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind, or other cause to the extent that the structural integrity of the structure is less than it was prior to the damage and is less than the minimum requirement established by the provisions of the building code, standard fire prevention code or other laws and ordinances of the city and State of Florida.

(5) Any exterior appendage or portion of the structure is not securely fastened, attached, or anchored such that it is capable of resisting wind, seismic or similar loads as required by the provisions of the building code, standard fire prevention code or other laws and ordinances of the city.

(7) The building, structure, or portion thereof, because of decay, deterioration, or dilapidation, is likely to collapse fully or partially.

(9) The building, structure or portion thereof is in such a condition as to constitute a public nuisance.

(b) Dangerous buildings declared nuisance; abatement required; time limits.

(1) All dangerous buildings are declared to be public nuisances, and shall be repaired, vacated, or demolished as provided in this article. The owner of any structure which constitutes a nuisance shall cause the abatement of the nuisance within 30 days pursuant to this article or in the manner allowed by the building official.

#### **Bunnell Land Development Code Sec. 26-167. - Responsibility for removal and remedial action.**

Any person responsible for the release of a hazardous material shall immediately institute and complete all action necessary to remove and remedy the effects of such release. The city is authorized to respond to the release of a hazardous material in accordance with applicable state and federal law and in the following circumstances:

(1) At the request of another governmental agency.

(2) When the person responsible for a release does not take immediate action to remove and remedy the effects of such release.

(3) When a release occurs on private property and the person responsible cannot be identified, located, or notified; and

(4) When the fire chief or his designee determines that such response is reasonably necessary under the circumstances to protect the public health, safety or welfare or the environment.

#### **Sec. 70-1. - Removal of certain plants, weeds, trash, litter etc.; duty of owner; service of notice.**

(a) It shall be the duty of every owner of land lying within the limits of the city to clear and destroy all weeds, palmetto, shrubbery, trash, and other litter, and to abate all nuisances that may be on such land. If any owner of land within the city shall fail to do so, the city shall give notice personally where possible, or by certified mail return receipt in accordance with F.S. Ch. 162 to such owner requiring him to comply with the requirements of this section, or such number

of the requirements as may be necessary and appropriate in the particular case, within a reasonable time from the service of the notice, as specified in the notice. In the event the requirements of this section are not met within the period specified in the notice, the case will be referred to the code enforcement board for adjudication, or to the city manager or designee for abatement, or both, all in accordance with the provisions of this chapter.

(b) Declaration of a nuisance. It is hereby declared and determined that the following shall each or in any combination be considered a nuisance when they exist upon any property within the city:

(1) Nuisance weeds, including shrubs and saw palmettos in excess of 18 inches in height which impair the economic welfare of a property, contribute to a fire hazard, or create a health hazard.

(2) Accumulations of recyclables, waste, yard trash, rubble or debris which impair the economic welfare of a property, contribute to a fire hazard, or create a health hazard.

(3) Accumulations of weeds, waste, yard trash, rubble or debris that may harbor rats or snakes or that may create pools of standing water which may serve as breeding grounds for insects and other disease carrying vectors.

Case Actions  
Information:

Case Count: 23-013

NOV & NTA: 9/15/23

Code Board Hearing: 12/13/23

Code Violation:

Bunnell Land Development Code Sec. 34-115(a)(c)(10), - R-3B Multiple-family residential district.

Bunnell Land Development Code Sec. 26-108(a)(4)(5)(7)(9)(b)(1), - Dangerous Building.

Bunnell Land Development Code Sec. 26-167(1)(2)(3)(4), - Responsibility for removal and remedial action

Bunnell Land Development Code Sec.70-1(a)(b)(1)(2)(3), - Removal of certain plants, weeds, trash, litter etc.; duty of owner; service of notice.

Outcome:

Affidavit:

8-7-23: Old, Old hospital on 200 Bacher Street is in a dangerous situation and fence is not secured to keep people off from property. Staff is working with legal department to come up with correct violations to send Notice of Violation. Should send NOV later this week. Took pictures.

8-23-23: Building Official Red Tagged the property at 200 S. Bacher Street and staff went and took some pictures.

8-24-23: The property at 200 S. Bacher Street has a "For Sale" and I got the contact information and called realtor and he gave me the son's phone number sine he might be the only one able to speak English. Son's name is Adam Torres and I called and left a voice message.

9-15-23: Sent certified letter of NOV and staked NOV on Property at 200 S. Bacher Street.

11-21-23: Mailed out Certified letter to owner for December 13th Code Board meeting. Staked and posted on property NOV and took pictures. Posted NOV on Community Board in Unit 4 Utilities department.

11-29-23: Timeline of Bunnell General Hospital at 200 S. Bacher Street. Built in the mid to late 1950's. Closed in 1980 when new hospital was built at 901 E. Moody Blvd. Staff checked out code cases from 2006 to 2023 and found code case 18-023 where there were vehicles - trash - weeds. Case opened 4/30/18 went to code board August - October and was found compliant 12/12/18. A fence was put up to keep anyone from going on the property.

Staff Recommendation: Staff recommends the Code Enforcement Board find the subject property in violation of the City's Code of Ordinances. As a result, order a \$100 per-day fine beginning at the start of business tomorrow, December 14, 2023, until the property becomes compliant with the applicable Code of Ordinances and Land Development Code.

## Owner Information

Primary Owner

[Torres Arturo](#)

Trustee

7417 Lavergne Ave

Skokie, IL 60077

## Change of Address Application

Change of Address Application

## Parcel Summary

Parcel ID	10-12-30-0850-00570-0010
Prop ID	10444
Location Address	200 S BACHER ST BUNNELL, FL 32110
Brief Tax Description*	TOWN OF BUNNELL ALL BLOCK 57 AND 1/2 VACATED COURT STREET OR 177 PG 77 OR 554 PG 1776 OR 806/195 OR 2339/1167-TORRES TRUST <i>(Note: *The Description above is not to be used on legal documents.)</i>
Property Use Code	Private Owned Hospitals (007300)
Tax District	CITY OF BUNNELL, BUNNELL CRA AREA WITH MOSQ CONTROL (District 14)
Millage Rate	21.8491
Homestead	N
GIS sqft	73,522.542

[View Map](#)

## Valuation

	2023 Working Values	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Building Value	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Extra Features Value	\$0	\$0	\$0	\$0	\$0
Land Value	\$80,696	\$80,696	\$80,696	\$80,696	\$84,451
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	<b>\$81,696</b>	<b>\$81,696</b>	<b>\$81,696</b>	<b>\$81,696</b>	<b>\$85,451</b>
Assessed Value	\$81,696	\$81,696	\$81,696	\$81,696	\$85,451
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$81,696	\$81,696	\$81,696	\$81,696	\$85,451



11.20.2023 14:59



**STATEMENT OF VIOLATION  
& NOTICE TO APPEAR**

November 20, 2023,

CASE NUMBER 23-013

**TO: Torres Arturo Trustee  
7417 Lavergne Ave.  
Skokie, IL 60077**

**VIA:** Hand Delivery by Gary Harris to on November 20, 2023.  
Certified mail: Receipt No. 7020 1290 0000 2697 3839.  
Posting on Property: 200 S. Bacher St. Bunnell, Fl. 32110 on November 20, 2023.  
Posting at City Hall Public Notice Board on November 20, 2023.

Street Address: 200 Bacher Street  
Bunnell, Fl. 32110

**IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF SECTION 26-108 AND SECTION 26-167, OF THE CITY OF BUNNELL CODE OF ORDINANCES OCCURRED ON October 11, 2023, ON PROPERTY OWNED BY YOU AND LOCATED AT 200 BACHER ST. BUNNELL, FLORIDA, (PARCEL ID NUMBER: 10-12-30-0850-00570-0010), TO WIT: DANGEROUS BUILDING AND BROKEN SECURITY FENCE.**

***Bunnell Land Development Code Sec. 34-115. - R-3B Multiple-family residential district.***

- (a) *Scope and general description. This section applies to the R-3B Multiple-family residential district. This is a residential district to provide for high density residential developments. The principal uses of land may range from single-family low density to multiple-family apartment uses. Certain uses which are more functionally compatible with intensive residential uses than with commercial uses are permitted. Recreational areas are permitted. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and useable open space for dwellings and related facilities and through consideration of the functional relationship to each use permitted in this district. No R-3B Multiple-family residential district may be created which contains more than 20 dwelling units per acre. This district is compatible with the multifamily land use category.*
- (c) *Permitted special exception. Permitted special exceptions in the R-3B district shall be as follows:*



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(4) The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind, or other cause to the extent that the structural integrity of the structure is less than it was prior to the damage and is less than the minimum requirement established by the provisions of the building code, standard fire prevention code or other laws and ordinances of the city and State of Florida.

(5) Any exterior appendage or portion of the structure is not securely fastened, attached, or anchored such that it is capable of resisting wind, seismic or similar loads as required by the provisions of the building code, standard fire prevention code or other laws and ordinances of the city.

(7) The building, structure, or portion thereof, because of decay, deterioration, or dilapidation, is likely to collapse fully or partially.

(9) The building, structure or portion thereof is in such a condition as to constitute a public nuisance.

(b) Dangerous buildings declared nuisance; abatement required; time limits.

(1) All dangerous buildings are declared to be public nuisances, and shall be repaired, vacated, or demolished as provided in this article. The owner of any structure which constitutes a nuisance shall cause the abatement of the nuisance within 30 days pursuant to this article or in the manner allowed by the building official.

**Sec. 26-167. - Responsibility for removal and remedial action.**

Any person responsible for the release of a hazardous material shall immediately institute and complete all action necessary to remove and remedy the effects of such release. The city is authorized to respond to the release of a hazardous material in accordance with applicable state and federal law and in the following circumstances:

(1) At the request of another governmental agency.

(2) When the person responsible for a release does not take immediate action to remove and remedy the effects of such release.

(3) When a release occurs on private property and the person responsible cannot be identified, located, or notified; and

(4) When the fire chief or his designer determines that such response is reasonably necessary under the circumstances to protect the public health, safety or welfare or the environment.

**Sec. 70-1. - Removal of certain plants, weeds, trash, litter etc.; duty of owner; service of notice.**

- (a) *It shall be the duty of every owner of land lying within the limits of the city to clear and destroy all weeds, palmetto, shrubbery, trash, and other litter, and to abate all nuisances that may be on such land. If any owner of land within the city shall fail to do so, the city shall give notice personally where possible, or by certified mail return receipt in accordance with F.S. Ch. 162 to such owner requiring him to comply with the requirements of this section, or such number of the requirements as may be necessary and appropriate in the particular case, within a reasonable time from the service of the notice, as specified in the notice. In the event the requirements of this section are not met within the period specified in the notice, the case will be referred to the code enforcement board for adjudication, or to the city manager or designee for abatement, or both, all in accordance with the provisions of this chapter.*
- (b) *Declaration of a nuisance. It is hereby declared and determined that the following shall each or in any combination be considered a nuisance when they exist upon any property within the city:*
- (1) *Nuisance weeds, including shrubs and saw palmettos in excess of 18 inches in height which impair the economic welfare of a property, contribute to a fire hazard, or create a health hazard.*
  - (2) *Accumulations of recyclables, waste, yard trash, rubble or debris which impair the economic welfare of a property, contribute to a fire hazard, or create a health hazard.*
  - (3) *Accumulations of weeds, waste, yard trash, rubble or debris that may harbor rats or snakes or that may create pools of standing water which may serve as breeding grounds for insects and other disease carrying vectors.*

**Recommended corrective action:**

- Within 30 days of this notice, have a state certified and City registered contractor pull a demolition permit for the structure OR have a state certified, and City registered contractor submit a building permit application and complete plans to restore the entire building to a safe and structurally sound building.
- Within 2 weeks of the issuance of the demolition permit, begin the demolition of the structure.
- Any contractor working on this property must make arrangements for the removal of all construction or demolition debris from the property. If using a trucking company to haul the debris, that trucking company must have a City of Bunnell business tax receipt (BTR) to do business within the city limits.
- The fence needs to be repaired or replaced for safety reasons to keep anyone from going onto the property.
- Clean up all trash and debris then keep property mowed with all weeds removed.
- Building Official red tagged all four sides of fence so no one will enter or trespass.

**THE VIOLATION IS BASED ON INVESTIGATION BY THE UNDERSIGNED CITY OF BUNNELL CODE ENFORCEMENT OFFICER, WHO IS AVAILABLE TO RESPOND TO ANY QUESTIONS YOU MAY HAVE. IT IS NOT POSSIBLE FOR THE PROPERTY TO FIND COMPLIANCE WITH CASE 23-013, BECAUSE THIS VIOLATION FOR DANGEROUS BUILDING HAS ALREADY OCCURRED.**

**YOU ARE HEREBY NOTIFIED THE VIOLATION SHALL BE REVIEWED BY THE CITY OF BUNNELL CODE ENFORCEMENT BOARD ON **DECEMBER 13, 2023**, AT 6 PM OR SOON THEREAFTER AT THE BUNNELL CITY HALL, AT WHICH TIME CODE ENFORCEMENT MAY 1) DISMISS THE VIOLATION IF COMPLAINT HAS OCCURRED; 2) REQUEST CONTINUANCE OF THE CASE; OR 3) PRESENT TESTIMONY AND EVIDENCE OF THE VIOLATION TO THE CODE ENFORCEMENT BOARD.**

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---

**Gary Harris  
Code Enforcement Officer  
City of Bunnell  
PO Box 756  
Bunnell, FL 32110  
386-263-8807**



**STATEMENT OF VIOLATION  
& NOTICE TO APPEAR**

November 20, 2023,

CASE NUMBER 23-013

TO: Torres Arturo  
Trustee  
7417 Lavergne Ave.  
Skokie, IL 60077

VIA: Hand Delivery by Gary Harris to on November 20, 2023.  
Certified mail: Receipt No. 7020 1290 0000 2697 4195.  
Posting on Property: 200 S. Bacher St. Bunnell, Fl. 32110 on November 20, 2023.  
Posting at City Hall Public Notice Board on November 20, 2023.

Street Address: 200 Bacher Street  
Bunnell, Fl. 32110

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(c) *Permitted special exception. Permitted special exceptions in the R-3B district shall be as follows:*

STAPLES

11.20.2023 15:00

## TIMELINE OF CASE 18-023 – 200 S. BACHER STREET

11-29-23: Timeline of Bunnell General Hospital at 200 S. Bacher Street. Built in the mid to late 1950's. Closed in 1980 when new hospital was built at 901 E. Moody Blvd. Staff checked out code cases from 2006 to 2023 and found code case 18-023 where there were vehicles - trash - weeds. Case opened 4/30/18 went to code board August - October and was found compliant 12/12/18. A fence was put up to keep anyone from going on the property.



**City of Bunnell, Florida**

**Agenda Item No. 10.**

Document Date: 11/29/2023 Code Enforcement Case Number:  
Case Number 23-018

Department: Code Enforcement

Subject: Case Number 23-018 City of Bunnell vs. Markeysha Anthony & Ventura  
Rental Properties

Address: 401 S. State Street

Zoning: B-1

Agenda Section: New Business:

**ATTACHMENTS:**

Description	Type
Exhibit A - Property Appraiser's Info	Exhibit
Exhibit B - Picture Before Compliance	Exhibit
Exhibit C - Notice of Violation	Exhibit
Exhibit D - NOV/NTA Paperwork Staked & Stapled	Exhibit

Code Excepts: **Bunnell Land Development Code Sec. 34-117(a)(b), - B-1 Business district.**

(a) Purpose and intent. The purpose of this business-commercial district is to guide and regulate commercial uses including personal and business services and general retail business. It is the intent of this district to allow a wide range of commercial uses, provide for a medium to high concentration of commercial activity, and ensure compatibility with the adjacent properties, and allow the potential for mixed-use commercial and residential development. This district is compatible with the commercial and commercial high land use categories.

(b) Permitted special exception. Permitted special exceptions, which are subject to approval by the planning, zoning, and appeals board, in the B-1 district shall be as follows:

(3) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning, and appeals board.

**Bunnell Land Development Code Sec. 66-1(e), - Connection to city water, sewer and reclaim system.**

(e) All occupied structures connected to the city water and sewer system shall maintain an active utilities account as applicable.

Case Actions Case: 23-018

Information: Code Violation: Utilities Account Sec. 66-1  
NOV & NTA: 11/20/2023  
Outcome:

11-16-23: Found our Lux Bar & Boutique is working without a water account since it got cut off due to bill not being paid. Owner said she will talk with Utilities department about a payment plan to catch up bill.

11-21-23: Mailed out Certified letter to owner for December 13th Code Board meeting. Staked and posted on property NOV and took pictures. Posted Nov on Community Board in Unit 4 Utilities department.

Staff Recommendation: Staff recommends the Code Enforcement Board to find the subject property in violation of the City's Code of Ordinances. The business owner tried to work out a payment plan with the COB but was told no so she is trying to come up with the money to pay this utility bill. Staff recommends continuing this case till the February Code Board meeting to give respondent an opportunity to pay her utility bill since she is keeping the communication open with code officer.

## Owner Information

Primary Owner

[Ventura Retail Properties Inc](#)

80 Colechester Lane

Palm Coast, FL 32137

## Change of Address Application

Rectangular Snip

Change of Address Application

## Parcel Summary

Parcel ID	10-12-30-0850-01690-0070
Prop ID	10810
Location Address	401 S STATE ST UNIT A BUNNELL, FL 32110
Brief Tax Description*	TOWN OF BUNNELL BLK 169 LOT 7 EXC US #1 R-O-W & SW 95' LT 8 BLK 169 IN SEC 14 OR 201/524 OR 268/124 OR 319/519 OR 348/822 OR 552/943 OR 1011/1732,1733,1735 & 1737- DC & AMC OR 1187/1661-CD OR 2296/300 <i>(Note: *The Description above is not to be used on legal documents.)</i>
Property Use Code	NEIGHBORHOOD CENTER (001610)
Tax District	CITY OF BUNNELL, BUNNELL CRA AREA WITH MOSQ CONTROL (District 14)
Millage Rate	22.2004
Homestead	N
GIS sqft	9,982.073

[View Map](#)

## Valuation

	2023 Certified Values	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Building Value	\$109,000	\$107,000	\$105,000	\$107,000	\$107,000
Extra Features Value	\$0	\$0	\$0	\$0	\$0
Land Value	\$0	\$0	\$0	\$0	\$0
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	\$109,000	\$107,000	\$105,000	\$107,000	\$107,000
Assessed Value	\$109,000	\$107,000	\$105,000	\$107,000	\$107,000
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$109,000	\$107,000	\$105,000	\$107,000	\$107,000
Protected Value	\$0	\$0	\$0	\$0	\$0





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**STATEMENT OF VIOLATION & NOTICE TO APPEAR**

**November 20, 2023,**

**CASE NUMBER 23-018**

**TO: Markeysha Anthonye  
701 Hymon Circle  
Bunnell, FL. 32110**

**VIA:** Hand Delivery by Gary Harris to 401 S. State St. on November 20, 2023.  
Certified mail: Receipt No. 7020 1290 0000 2697 4133.  
Posting on Property: 401 S. State St., Bunnell, FL. 32110 on November 20, 2023.  
Posting at City Hall Public Notice Board on November 20, 2023.  
Parcel #: 11-12-30-0850-01690-0070

Legal Description: TOWN OF BUNNELL BLK 169 LOT 7 EXC US #1 R-O-W & SW 95'  
LT 8 BLK 169 IN SEC 14 OR 201/524 OR 268/124 OR 319/519 OR 348/822 OR 552/943  
OR 1011/1732,1733,1735 & 1737- DC & AMC OR 1187/1661-CD OR 2296/300

**IN ACCORDANCE WITH SECTION 162.06(4) AND CITY OF BUNNELL ORDINANCES, NOTICE HAS BEEN PROVIDED TO YOU THAT A VIOLATION OF CASE NUMBER 23-018 ON PROPERTY OWNED BY YOU AND LOCATED AT 401 S. STATE ST., BUNNELL, FLORIDA, (PARCEL ID NUMBER: 11-12-30-0850-01690-0070), TO WIT: UTILITIES ACCOUNT.**

**Bunnell Land Development Code Sec. 34-117. - B-1 Business district.**

- (a) Purpose and intent. The purpose of this business-commercial district is to guide and regulate commercial uses including personal and business services and general retail business. It is the intent of this district to allow a wide range of commercial uses, provide for a medium to high concentration of commercial activity, and ensure compatibility with the adjacent properties, and allow the potential for mixed-use commercial and residential development. This district is compatible with the commercial and commercial high land use categories.
- (b) Permitted special exception. Permitted special exceptions, which are subject to approval by the planning, zoning, and appeals board, in the B-1 district shall be as follows:
  - (3) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning, and appeals board.

**Narrative: Bunnell Land Development Code Sec. 66-1. – Connection to city water, sewer and reclaim system.**

- (e) All occupied structures connected to the city water and sewer system shall maintain an active utilities account as applicable.

*Being the Owner/Tenant of said following property, described as:  
401 S. State St., City of Bunnell, County of Flagler, State of Florida  
Parcel ID number 11-12-30-0850-01690-0070*

**Recommended corrective action:**

- Provide Tenant with information to provide and activate an active utilities account with the City of Bunnell.

**THE VIOLATION IS BASED ON INVESTIGATION BY THE UNDERSIGNED CITY OF BUNNELL CODE ENFORCEMENT OFFICER, WHO IS AVAILABLE TO RESPOND TO ANY QUESTIONS YOU MAY HAVE. IT IS NOT POSSIBLE FOR THE PROPERTY TO FIND COMPLIANCE WITH CASE 23-018, UNLESS THIS VIOLATION FOR FLORIDA BUILDING CODE – ACTIVE UTILITIES ACCOUNT.**

**YOU ARE HEREBY NOTIFIED THE VIOLATION SHALL BE REVIEWED BY THE CITY OF BUNNELL CODE ENFORCEMENT BOARD ON **DECEMBER 13, 2023**, AT 6 PM OR SOON THEREAFTER AT THE BUNNELL CITY HALL, AT WHICH TIME CODE ENFORCEMENT MAY 1) DISMISS THE VIOLATION IF COMPLIANCE HAS OCCURRED; 2) REQUEST CONTINUANCE OF THE CASE; OR 3) PRESENT TESTIMONY AND EVIDENCE OF THE VIOLATION TO THE CODE ENFORCEMENT BOARD.**


**AT THE HEARING, THE CITY OF BUNNELL CODE ENFORCEMENT BOARD MAY FIND VIOLATION OCCURRED AS NOTICED AND IMPOSE A FINE UP TO \$250 FOR THE FIRST VIOLATION OF THE CODE SECTION AND UP TO \$500 FOR A REPEAT VIOLATION WITHIN 5 YEARS. IF THE CODE ENFORCEMENT BOARD DETERMINES THE VIOLATION PRESENTED A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OR IF THE VIOLATION IS IRREPARABLE OR IRREVERSIBLE IN NATURE, IT MAY NOTIFY THE CITY OF BUNNELL FOR ABATEMENT OF THE VIOLATION OR IT MAY IMPOSE A FINE NOT TO EXCEED \$5,000 PER VIOLATION. IF A FINE IS NOT PAID, THE CITY MAY RECORD A COPY OF THE CODE ENFORCEMENT BOARD ORDER. THE UNPAID FINE SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION OCCURRED AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S). IF THE LIEN IS NOT SATISFIED, THE CODE ENFORCEMENT BOARD MAY AUTHORIZE THE FORECLOSURE OF THE LIEN OR THE CITY MAY SEEK PAYMENT BY OTHER LAWFUL MEANS.**

**YOU ARE ADVISED TO CHECK THE CITY WEBSITE FOR UP-TO-DATE INFORMATION ON ANY CHANGES IN THE MANNER IN WHICH THE HEARING WILL BE HELD AND ITS LOCATION.**

**AS REQUIRED BY SECTION 286.0105 FLORIDA STATUTES, IF YOU DECIDES TO APPEAL ANY DECISION MADE BY THE BUNNELL CODE ENFORCEMENT BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, YOU WILL NEED A RECORD OF THE PROCEEDINGS, AND YOU NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH AN APPEAL IS TO BE BASED. IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THE PUBLIC HEARING, PLEASE CONTACT THE BUNNELL CITY CLERK AT 386-263-8808 PRIOR TO THE HEARING.**

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**Gary Harris  
Code Enforcement Officer  
City of Bunnell  
PO Box 756  
Bunnell, FL 32110  
386-263-8807**

  
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CASE NUMBER 23-018

November 20, 2023,

TO: Ventura Rental Properties  
80 Colechester Ln.  
Palm Coast, FL 32137

VIA: Hand Delivery by Gary Harris to 401 S. State St. on November 20, 2023.  
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(c) Other uses and structures not listed above that with certain restrictions can be compatible with the permitted uses of the district as determined by the planning, zoning, and appeals board.

Bunnell Land Development Code Sec. 66-1. - Connection to city water.

  
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