



## Special Magistrate Hearing

Code Enforcement

September 25, 2024

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**Case Number:** EEN24-0063

**Respondent:** GERALD & CLAUDIA'S OCEANVIEW PLAZA LLC

**Address of Violation:** 210 MOODY BLVD

**Tax Parcel ID Number:** 12-12-31-4500-00350-0010

**Violation:** SECTION 2.06.06.07. MULTIFAMILY AND NON-RESIDENTIAL BUILDINGS SUPPLEMENTAL STANDARDS. TRASH RECEPTACLES SHALL BE SCREENED ON ALL SIDES WITH A HEDGE OR SOLID FENCE OR WALL OF NOT LESS THAN SIX (6) FEET IN HEIGHT. NO TRASH RECEPTACLE SHALL BE IN ANY FRONT YARD SETBACK, OR WITHIN TWENTY-FIVE (25) FEET OF PROPERTY LINES ABUTTING OTHER RESIDENTIAL ZONES

**Attachments:** NOTICE OF HEARING – 8/23/2024  
MAILING COSTS – 8/23/2024  
CERTIFIED MAILINGS – 8/23/2024  
NOTICE OF VIOLATION – 4/26/2024  
MAILING COSTS – 4/26/2024  
CERTIFIED MAILINGS – 4/26/2024

**Total Cost of Mailings** \$33.70

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE  
OF THE CITY OF FLAGLER BEACH, FLORIDA

GERALD & CLAUDIA'S OCEANVIEW  
PLAZA LLC  
PO BOX 731681  
ORMOND BEACH, FL 32173

CITY OF FLAGLER BEACH, )  
FLORIDA, a municipal corporation, )  
 )  
Petitioner, )  
vs. )  
GERALD & CLAUDIA'S OCEANVIEW )  
PLAZA LLC, owner, )  
 )  
Respondent. )  
\_\_\_\_\_ )

CASE NO: EEN24-0063

NON-COMPLIANCE - NOTICE OF HEARING

Premises: 210 MOODY BLVD, FLAGLER BEACH, FL 32136

Pursuant to Chapter 162, *Florida Statutes*, the Code Enforcement Special Magistrate was created in Chapter 2, Article IV, Division 2, Sections 2-71 through 2-83, *City of Flagler Beach Code of Ordinances*, to hear Code Enforcement matters. The Special Magistrate shall conduct hearings and issue Orders having the force of the law to command whatever steps are necessary to bring violations of any City Code into compliance, including imposing fines and other noncriminal penalties to enforce the *Code of Ordinances*.

YOU ARE HEREBY FORMALLY NOTIFIED that on **Wednesday, September 25, 2024, at 3 PM**, there will be a HEARING before the Special Magistrate in the City Commission Chambers, 105 2<sup>nd</sup> Street South, Flagler Beach, Florida, concerning your failure to comply with the Code Enforcement Officer's notice of violation dated **April 26<sup>th</sup>, 2024**, and consideration of imposition of fines for such non-compliance. Your failure to appear may result in the Special Magistrate proceeding in your absence and an Order being entered against you.


YOU ARE HEREBY NOTIFIED to appear before the Special Magistrate on the above date to answer these charges and to present your side of the case.

Should you be found in violation of the Code of Ordinances at the hearing, the Code Enforcement Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your real and personal property for every day the violation continues beyond the date set by the Special Magistrate for compliance. If the violation is corrected and then recurs, this case shall be presented to the Code Enforcement Special Magistrate at the above-stated hearing even if the violation has been corrected prior to the hearing.

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You also have the right to present witnesses, as well as question the witnesses testifying against you at this hearing. Please be prepared to present evidence at the hearing concerning the amount of time necessary to correct the alleged violation, should you be found in violation of the *Code of Ordinances*.

If you wish to have any witnesses subpoenaed, or have any other questions, please contact the office of Code Enforcement Officer within five (5) days, at 800 South Daytona Av., Flagler Beach, Florida 32136, (386) 517-2000 ext 249.

DATED: August 23, 2024

  
John Gifford,  
Code Enforcement Officer  
City of Flagler Beach, Florida

I hereby certify that a copy of the foregoing was delivered by regular and certified mail # 9214 8901 9403 8375 2844 96 and 9214 8901 9403 8375 2845 95 August 23, 2024.

City of Flagler Beach

Code Enforcement

Notice Type: HEARING NOTICE

Date: 8/23/2024

Code Enforcement Complaint # **EEN24-0063**

Name: GERALD & CLAUDIA'S OCEANVIEW PLAZA LLC

Mailing Address: 210 MOODY BLVD  
FLAGLER BEACH, FL 32136

Name (2): GERALD & CLAUDIA'S OCEANVIEW PLAZA LLC

Mailing Address (2): P.O. BOX 731681  
ORMOND BEACH, FL 32173

	Mailings	Cost Per Item	Total
Certified Mail Cost	2	\$8.16	\$16.32
Regular Mail Cost	2	\$0.69	\$1.38
		<b>TOTAL</b>	<b>\$17.70</b>



Mailer: City of Flagler Beach

Date Produced: 08/29/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8375 2845 95. Our records indicate that this item was delivered on 08/28/2024 at 12:28 p.m. in ORMOND BEACH, FL 32174. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink, appearing to be "el" followed by a horizontal line.

A handwritten address in black ink, appearing to be "PO BOX 731681" followed by a horizontal line.

Address of Recipient :

PO BOX 731681

ORMOND BEACH, FL 32173-1681

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

GERALD & CLAUDIA'S OCEANVIEW  
PLAZA LLC  
PO BOX 731681  
ORMOND BEACH, FL 32173

Customer Reference Number: C5256014.31753984

Return Reference Number CASE NO: EEN24-0063 NOTICE OF HEARING



Return address:

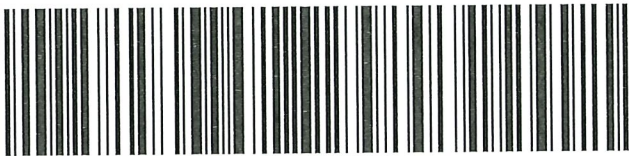
CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

Recipient address:

GERALD & CLAUDIA'S OCEANVIEW  
PLAZA LLC  
PO BOX 731681  
ORMOND BEACH, FL 32173

MAILING DATE: 08/23/2024  
DELIVERY DATE: 08/28/2024

USPS CERTIFIED MAIL



9214 8901 9403 8375 2845 95

USPS Tracking Label Number: 9214 8901 9403 8375 2845 95

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	08/23/2024 10:14
SHIPMENT RECEIVED ACCEPTANCE PENDING	FLAGLER BEACH,FL 32136	08/23/2024 12:02
ORIGIN ACCEPTANCE	FLAGLER BEACH,FL 32136	08/24/2024 15:54
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	08/24/2024 17:09
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	08/24/2024 22:22
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	08/25/2024 19:35
AVAILABLE FOR PICKUP	ORMOND BEACH,FL 32173	08/26/2024 11:27
DELIVERED INDIVIDUAL PICKED UP AT PO	ORMOND BEACH,FL 32174	08/28/2024 12:28

CUSTOM 1:



Mailer: City of Flagler Beach

Date Produced: 08/30/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8375 2844 96. Our records indicate that this item was delivered on 08/29/2024 at 12:20 p.m. in FLAGLER BEACH, FL 32136. The scanned image of the recipient information is provided below.

Signature of Recipient :

*KE Smith*  
*Rate Settle*

Address of Recipient :

*70*

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

GERALD & CLAUDIA'S OCEANVIEW  
PLAZA LLC  
210 MOODY BLVD  
FLAGLER BEACH, FL 32136

Customer Reference Number: C5256014.31753983

Return Reference Number CASE NO: EEN24-0063 NOTICE OF HEARING





Return address:

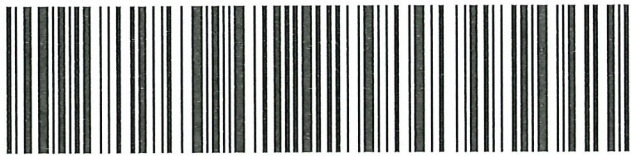
CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

Recipient address:

GERALD & CLAUDIA'S OCEANVIEW  
PLAZA LLC  
210 MOODY BLVD  
FLAGLER BEACH, FL 32136

MAILING DATE: 08/23/2024  
DELIVERY DATE: 08/29/2024

USPS CERTIFIED MAIL



9214 8901 9403 8375 2844 96

USPS Tracking Label Number: 9214 8901 9403 8375 2844 96

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	08/23/2024 10:14
SHIPMENT RECEIVED ACCEPTANCE PENDING	FLAGLER BEACH,FL 32136	08/23/2024 12:02
REFUSED	FLAGLER BEACH,FL 32136	08/24/2024 12:05
PROCESSED THROUGH USPS FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	08/27/2024 16:41
DEPARTED USPS REGIONAL FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	08/28/2024 08:05
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	08/28/2024 09:46
AVAILABLE FOR PICKUP	FLAGLER BEACH,FL 32136	08/29/2024 09:06
DELIVERED INDIVIDUAL PICKED UP AT PO	FLAGLER BEACH,FL 32136	08/29/2024 12:20

CUSTOM 1:

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE  
OF THE CITY OF FLAGLER BEACH, FLORIDA

GERALD & CLAUDIA'S OCEANVIEW  
PLAZA LLC  
PO BOX 731681  
ORMOND BEACH, FL 32173

CITY OF FLAGLER BEACH, )  
FLORIDA, a municipal corporation, )

Petitioner, )

vs. )

GERALD & CLAUDIA'S )  
OCEANVIEW PLAZA LLC, )  
owner, )

Respondent. )

CASE NO: EEN24-0063

NOTICE OF VIOLATION

Premises: 210 MOODY BLVD, FLAGLER BEACH, FL 32136

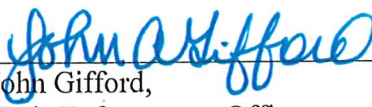
YOU ARE NOTIFIED that violations of **SECTION 2.06.06.07. MULTIFAMILY AND NON-RESIDENTIAL BUILDINGS SUPPLEMENTAL STANDARDS. TRASH RECEPTACLES SHALL BE SCREENED ON ALL SIDES WITH A HEDGE OR SOLID FENCE OR WALL OF NOT LESS THAN SIX (6) FEET IN HEIGHT. NO TRASH RECEPTACLE SHALL BE IN ANY FRONT YARD SETBACK, OR WITHIN TWENTY-FIVE (25) FEET OF PROPERTY LINES ABUTTING OTHER RESIDENTIAL ZONES** exist on the premises located at 210 MOODY BLVD., FLAGLER BEACH, FL 32136. The premises are more particularly described as follows:

Legal Description: GEORGE MOODY SUB DIV BLOCK 35 LOTS 1 THRU 10 OR 48 PG 681 OR 100 PG 575 OR 115 PG 677 OR and has Tax Parcel ID # 12-12-31-4500-00350-0010

The condition giving rise to the violation is described as follows: **DUMPSTER NOT SCREENED**

**You must correct the violations by no later than 5:00 p.m. on the 27th day May, 2024.** If the violation is not cured by the time stated above, a hearing will be scheduled before the City's Code Enforcement Special Magistrate. Should you be found in violation at the hearing, the Code Enforcement Special Magistrate has the power, by law, to levy fines of up to \$250.00 per day against your real and personal property for every day the violation continues beyond the date set by the Special Magistrate for compliance. If the violation is corrected and then recurs, this case shall be presented to the Code Enforcement Special Magistrate at the above-stated hearing even if the violation has been corrected prior to the hearing. To clear up this matter please notify this office as soon as the violation is in compliance by calling 386-517-2000 Extension 249.

DATED April 26, 2024

  
John Gifford,  
Code Enforcement Officer  
City of Flagler Beach, Florida

I hereby certify that a copy of the foregoing was delivered by Certified Mail™ # 9214 8901 9403 8359 2305 01 and 9214 8901 9403 8359 2305 70 April 26, 2024.



City of Flagler Beach

Code Enforcement

Notice Type: VIOLATION NOTICE

Date: 4/26/2024

Code Enforcement Complaint # **EEN24-0063**

Name: GERALD & CLAUDIA'S OCEANVIEW PLAZA LLC

Mailing Address: 210 MOODY BLVD  
FLAGLER BEACH, FL 32136

Name (2): GERALD & CLAUDIA'S OCEANVIEW PLAZA LLC

Mailing Address (2): P.O. BOX 731681  
ORMOND BEACH, FL 32173

	Mailings	Cost Per Item	Total
Certified Mail Cost	2	\$7.36	\$14.72
Regular Mail Cost	2	\$0.64	\$1.28
		<b>TOTAL</b>	<b>\$16.00</b>

**Return address:**

CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

**Recipient address:**

GERALD & CLAUDIA'S OCEANVIEW  
PLAZA LLC  
PO BOX 731681  
ORMOND BEACH, FL 32173

**USPS CERTIFIED MAIL****9214 8901 9403 8359 2305 01****USPS Tracking Label Number: 9214 8901 9403 8359 2305 01**

USPS Event	Postal Facility	Date/Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	04/25/2024 16:17
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	04/26/2024 12:18
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	04/26/2024 17:01
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	04/26/2024 23:44
DEPARTED USPS REGIONAL FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	04/27/2024 09:22
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	04/27/2024 23:31
ARRIVAL AT UNIT	ORMOND BEACH,FL 32174	04/29/2024 05:18
NO SECURE LOCATION AVAILABLE	ORMOND BEACH,FL 32173	04/29/2024 11:18
PICKUP REMINDER	ORMOND BEACH,FL 32173	05/04/2024 03:43
UNCLAIMED/BEING RETURNED TO SENDER	ORMOND BEACH,FL 32174	05/14/2024 06:22
PACKAGE RETURN NOTICE GENERATED	ORMOND BEACH,FL 32173	05/15/2024 03:04
AVAILABLE FOR PICKUP	ORMOND BEACH,FL 32173	05/16/2024 09:14
RETURN TO SENDER TO ORIGINAL SENDER	FLAGLER BEACH,FL 32136	05/16/2024 12:47



Mailer: City of Flagler Beach

Date Produced: 05/03/2024

ConnectSuite Inc.:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 9403 8359 2305 70. Our records indicate that this item was delivered on 05/02/2024 at 11:49 a.m. in FLAGLER BEACH, FL 32136. The scanned image of the recipient information is provided below.

Signature of Recipient :

K E Settle  
Kate Settle

Address of Recipient :

PO Box 70

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

This USPS proof of delivery is linked to the customers mail piece information on file as shown below:

GERALD & CLAUDIA'S OCEANVIEW  
PLAZA LLC  
210 MOODY BLVD  
FLAGLER BEACH, FL 32136

Customer Reference Number: C4980446.29986224

Return Reference Number EEN24-0063 NOTICE OF VIOLATION



**Return address:**

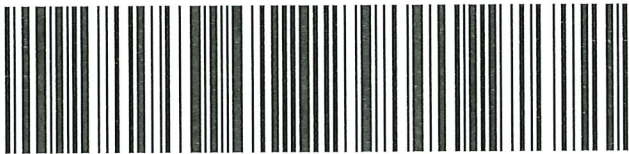
CITY OF FLAGLER BEACH  
105 S 2ND ST  
FLAGLER BEACH FL 32136

**Recipient address:**

GERALD & CLAUDIA'S OCEANVIEW  
PLAZA LLC  
210 MOODY BLVD  
FLAGLER BEACH, FL 32136

MAILING DATE: 04/25/2024  
DELIVERY DATE: 05/02/2024

**USPS CERTIFIED MAIL**



9214 8901 9403 8359 2305 70

**USPS Tracking Label Number: 9214 8901 9403 8359 2305 70**

USPS Tracking History	Location	Date / Time
PRE-SHIPMENT INFO SENT USPS AWAITS ITEM	FLAGLER BEACH,FL 32136	04/25/2024 16:17
USPS IN POSSESSION OF ITEM	FLAGLER BEACH,FL 32136	04/26/2024 12:18
DEPART POST OFFICE	FLAGLER BEACH,FL 32136	04/26/2024 17:01
PROCESSED THROUGH USPS FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	04/30/2024 11:37
DEPARTED USPS REGIONAL FACILITY	FORT MYERS FL DISTRIBUTION CENT 33913	05/01/2024 08:14
PROCESSED THROUGH USPS FACILITY	ORLANDO FL DISTRIBUTION CENTER 32862	05/01/2024 10:51
PROCESSED THROUGH USPS FACILITY	LAKE MARY FL DISTRIBUTION CENTE 32799	05/02/2024 02:22
AVAILABLE FOR PICKUP	FLAGLER BEACH,FL 32136	05/02/2024 09:37
DELIVERED INDIVIDUAL PICKED UP AT PO	FLAGLER BEACH,FL 32136	05/02/2024 11:49

CUSTOM 1: