

**SPECIAL MAGISTRATE
OF LEVY COUNTY, FLORIDA**

LEVY COUNTY, FLORIDA

vs.

**REBECCA JUNE PROCTOR
4104 43RD AVE W
BRADENTON, FL 34205**

Case No. 2025-0005

RESPONDENT
_____ /

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This CAUSE came on for public hearing before the Special Magistrate, pursuant to Chapter 162, Part I, Florida Statutes. After due notice to the Respondent, the Special Magistrate heard testimony of and received evidence from the code enforcement officer. Respondent did attend the hearing. The Magistrate requested a Memorandum of Law from both the Respondent and the County, which have now been received and reviewed. Thereupon, the Magistrate hereby issues its Findings of Fact, Conclusions of Law, and Order as follows:

I. FINDINGS OF FACT: The Special Magistrate makes the following findings of fact:

A. The Respondent owns real property situated within Levy County, Florida, described as follows:

**SECTION-27 TOWNSHIP-12 RANGE-14 10.00 ACRES SW ¼ OF SW ¼ OF
NW ¼ OR BOOK 1620 PAGE 933.**

Parcel #01076-002-00

B. The Respondent, as required by Fla. Stat. Chap. 162, received proper notice of the alleged violation and of the hearing thereon, which was held on March 19th, 2025.

C. The evidence proves that there are large piles of tree debris waste stockpiled near the boundaries of the respondent's property.

II. ANALYSIS; CONCLUSIONS OF LAW:

A. The County claims that the piles of tree debris constitute "junk" under the definition set forth in §34-31, which is prohibited under §34-40.

B. The Respondent claims that the piles of tree debris are the base for a berm that she intends to construct in accordance with images provided, which would constitute a "hügelkultur garden bed", and which berm, when constructed, would completely shield the piles of tree debris from view.

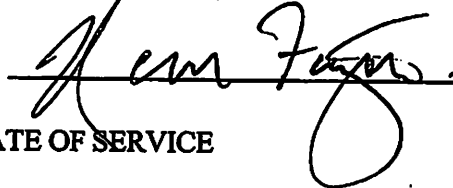
C. The County argues that because berms are not specifically permitted in an A/RR zoning district, then they are not allowed at all.

D. The Magistrate is persuaded to agree with the Respondent's position that her intended incorporation of the tree debris as the foundation of a berm is not prohibited under the Levy County Code, because: (i) although berms are specifically referred to in several code sections, that does not mean they are prohibited in an A/RR zone; (ii) the Magistrate has not been provided any cite from the Levy County Code requiring a permit for the construction of a berm on residential property; and (iii) if the berm is constructed in accordance with the images provided by the Respondent, then the tree debris will not fall within the Code definition of "junk".

III. ORDER: The Special Magistrate therefore orders that (i) the Respondent will utilize the piles of tree debris currently present on the subject property for the construction of a berm; (ii) the Respondent shall obtain a permit for the berm, if a Code provision requiring a permit is provided; (iii) the berm shall be constructed and maintained so that the tree debris is completely covered by sand or soil and ground cover grasses and plants and shall not exceed 10 feet in height; (iv) the construction of the berm, (meaning covering of the tree debris with sand or soil and planting of grasses and plants), shall be completed within 60 days of this order. Jurisdiction is retained to ensure Respondent's timely compliance with this order.

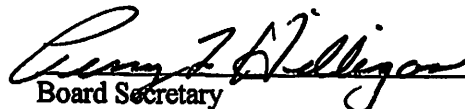
DONE AND ORDERED THIS 28th day of May, 2025, at Levy County, Florida.

SPECIAL MAGISTRATE OF
LEVY COUNTY, FLORIDA



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Findings of Fact, Conclusions of Law and Order has been furnished by certified mail to the Respondent, Rebecca June Proctor, at rproctor@rebeccaproctor.com and the Levy County Code Enforcement Department, at banton-dave@levycounty.org, this 29 day of May, 2025.


Board Secretary





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