

Municipal Cherry-Picking Exemplified

This case exemplifies municipal cherry-picking in every sense. The City illegally commenced this action, violating FI St 70.445. The underlying restrictions against our pavers, fence and shipping containers do *not* substantially advance legitimate interests, *and* violate many constitutional and statutory protections of our right to use our own home freely. Our use of our own property harms *no* other properties, and the City is allowing 810 of these very “violations” in just our immediate neighborhood, totalling over 115,000 citywide. These 810 documented violations are resulting in a free pass for OBPD officers, VC Sheriff deputies, city employees, county council & city commission members, state law enforcement officers, official city properties and even the City Attorney’s own office! Procedural laws have been violated by OB, who *all* took an oath of office. But this is all a farce anyway, since these permits can’t even be issued according to the LDC.¹

OB Is Claiming We Violated The LDC Because No Permit Was Obtained For:

1. Pavers / Parking Area
2. Shipping Containers (2)
3. Backyard Fence

Illegal Cherry-Picking by OB

1. OB Illegally Commenced This Action

This proceeding was brought contrary to FI St 70.45, which requires OB to halt all action until providing us a written response identifying

- a. the harm caused by our use (pavers, fence, sheds) of our own property AND
- b. how this regulation (including the permitting)
 - i. has an essential nexus to a legitimate public purpose
 - ii. would mitigate the “harm” caused by our use AND
 - iii. how the severity of OB’s restriction on our use is proportionate to the “harm” caused by our use
- c. OB was provided the Notice of Proposed Action under FI St 70.45 on 11/8/22, 111 days ago, and instead of providing the *statutorily required* written response, has continued to harass and embarrass us, and interfere with our property use

Notice of Proposed Action from 11/8/22 and email receipt records attached hereto.

2. OB Ignoring Laws Prohibiting This Exaction

- a. FL Const Art 1 Sec 23 *Right of Privacy* declares that “[e]very natural person has the *right to be let alone and free from governmental intrusion* into the person’s private life.”
- b. The application of a general zoning law to particular property effects a taking if the **ordinance does not substantially advance legitimate state interests**. See *Nectow v. Cambridge*, 277 US 183, 188 (1928).
- c. Several state laws specifically protect a homeowner’s property rights against this kind of overregulation, like FI St 187.101, FI St 163.3194(4), FI St 70.001
- d. FI. St. 163.3177(6)(i) requires local governments to consider “constitutionally protected private property rights” in local decision-making, like this very proceeding.

¹ To avoid unduly cumulative documentation, we rely upon our prior written legal analysis as included in our 11/8/22 Notice of Proposed Action to OB. In addition to that document and this summary, we have included the list identifying the 810 similar violations in our immediate neighborhood, samples of photos of each kind of violation, and relevant email and certified mail records.

- e. Fl. St. 70.002 acknowledges our right to acquire, possess, and protect our property; use and enjoy our property; and exclude others from our property.
 - f. Fl St 163.3161 requires ordinances and regulations to be “implemented, and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions by others which would harm their property or which would constitute an inordinate burden on property rights.”
 - g. The Florida Legislature consistently supports homeowners in employing wind mitigation, flood mitigation, and water conservation on their homes and properties. One such example is Fl St 373.185, which clearly states a **“local government ordinance may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land.”**
 - h. OB claims in its LDC that Fl. St. 163.3202 provides the authority to take some of these actions, but FL. St. 163.3202 indicates nothing about such requirements for pavers, shipping containers or the fence. *See id* at subdivision (2).
 - i. Under LDC Section 2-50(dd)(1) and Sect 1-22, permits required under Sect 2-50(a)(9) “does not include . . . the installation of accessory buildings such as garages or sheds”
 - j. Under the Community Planning Act, which governs the relevant terms used here, shipping containers used only for storage, having no AC, heat or plumbing, are not considered “structures” requiring permitting. *See* Fl. St. 380.031(19) and 163.3164(45).
 - k. As securing private property, storage of personal property, and landscaping and parking are customary incidental uses to enjoyment of a dwelling, the fence, shipping containers and pavers here cannot be considered “development” for purposes of enforcing the land *development* code. Community Planning Act, Fl. St. 163.3164(14) and 380.04.
 - l. OB claims LDC Sect 2-50 “accessory uses and structures” requires a fence permit. Yet, fences are not a “use” per LDC Sect 1-22, and are expressly *excluded* as “structures” (“structure . . . shall not include fences or signs”) per LDC Sect 1-22.
3. 924 Rollins Equal Protection Violations
 4. 810 Violations in Immediate Neighborhood Ignored re Permits, Pavers, Sheds & Fences
 - a. 115,714 Violations Ignored re Permits, Pavers, Sheds & Fences Across OB
 5. 9/2/22 Illegal Search & Seizure Without a Warrant, violating
 - a. US Const 4th Am and FL Const Art 1 Sec 12 protections
 - b. FL Const Art 1 Sec 23 - right of privacy
 - c. Fl Stat 82.01, 82.03(1), 810.08, and 810.12 - unlawful entry
 - d. Fl Stat 810.015, 810.02, and 810.011, burglary in dwelling curtilage
 6. 1/10/23 Posting of Notices in Boulevard
 - a. Facing AWAY from Our Line of Sight, TOWARD the Street
 - b. Without Even Attempting Personal Delivery Despite Knowing I Was Home
 - c. or Following Statutory Timeframe for Certified Mail
 7. Failure to Follow Statutory Requirements of Service

Email and certified mail records attached hereto.

- a. Never Any Attempt of Personal Service
- b. Certified Mail ONLY to PO Box Only 7 Days Before Illegal Posting on 1/10/23
- c. NO Notice Sent for 2/27/23 Hearing Until MY Email to City Attorney & NID
- d. Then ONLY Electronic Copy & Reference to One Being Put in US Mail
- e. Finally Sent Certified Mail After My Email Referencing Fl St 162.12 (1) and (3)

8. Complete Failure to Abide by, or Even Respond to, 11/8/22 Notice to Cease and Desist
Copy of Notice to Cease and Desist attached hereto.

Equal Protection Violations

Under the Equal Protection Clause of the Fourteenth Amendment, government may not selectively enforce laws against one individual while ignoring similarly situated individuals. Even LDC Section 1-13(a)(2) recognizes the need for “equitable” enforcement of “the codes and ordinances.”

1. 115,714 Similar Violations in OB With a Population of Only 43,157
 - a. Paver/Parking, Structure/Storage, Fence Violations in Plain View
 - b. Sample of Cypress Neighborhood: Riverside Dr to S Atlantic Ave and Ormond Shores Drive to Ormond Pkwy = 0.28 mi² or 0.7% of OB
 - c. **810 paver/parking, structure/storage, fence violations in plain view** in just 0.7% of OB - **Henry’s Immediate Neighborhood**
2. No Permits Issued **24 Examples**
 - a. 924 Rollins Sellers

OB’s enforcement of the LDC *as against us* at the Rollins property, outright refusal to enforce the LDC *as against the sellers* for the Rollins property (especially throughout August and September 2021), current attempts to enforce the LDC *as against us*, and failure to enforce *as against the Rollins sellers* for their current violations establishes a **clear violation of our right to equal protection of the law.**

- b. Extensive Remodeling / Repairs **11 Violations**
 - c. Fences **6 Specific Violations, Many More After Hurricane Ian**
 - d. Pavers / Parking Areas **1 Violation OB Knew About**
 - e. Shipping Containers / Sheds **5 Specific Violations**
3. Pavers / Parking Area LDC “Requirements” Not Enforced Elsewhere **457 Examples**
 - a. On Property Line **162 Violations**
 - b. Within 7.5 Feet Of The Property Line **139 Violations**
 - c. Stone Driveway / Parking Area **60 Violations**
 - d. Grass Driveway / Parking Area **92 Violations**
 - e. Mulch Driveway / Parking Area **4 Violations**
 - f. Even When Permits Are Issued! (**1 Example**)
4. Shipping Containers / Shed / Structure “Requirements” Not Enforced Elsewhere **266 Examples**
 - a. Shipping Containers **3 Violations**
 - b. On Property Line **80 Violations**
 - c. Within 7.5 Feet Of Property Line **183 Violations**
5. Fence LDC “Requirements” Not Enforced Elsewhere **63 Examples**
 - a. Dilapidated Fences **49 Violations**
 - b. Inverted Fence Frames **2 Violations**
 - c. Wrong Height / Opacity **12 Violations**
6. Government Officials Get a Free Pass with LDC Violations
 - a. OBPD Officer Living at 5 Byron Ellinor
 - b. VC Sheriff Deputy Living at 5 Byron Ellinor
 - c. OBPD Officer Living at 28 Byron Ellinor
 - d. OB Employee with City Work Van Living at 39 Byron Ellinor
 - e. OBPD Officer Regularly Parking at 52 Byron Ellinor
 - f. City Attorney Office at 173 S Beach Street

- g. Volusia County Council & Former OB Commission Member Living at 130 Magnolia Dr
 - h. Old OBPD Property at 520 S Atlantic Ave
 - i. FL State Law Enforcement Living at 491 Magnolia Street
 - j. City Park Parking Lot with Pods Container Sitting for Over a Year at 54 Seton Trail
7. Enforcement Pattern Selective and Personal
- a. History Of Selectively Enforcing LDC *Only Against Henrys* At 924 Rollins
 - b. Name Calling Henrys Showing Obvious Bias Toward Sellers Of 924 Rollins
 - c. JB Specifically Recalled The Rollins Events During The 9/2/22 Call Re Cypress
 - d. 9/2/22 Posting Of Notices In Boulevard, to Embarrass, Not Serve Henrys
 - i. Facing AWAY from Our Line of Sight, TOWARD the Street
 - ii. Without Even Attempting Personal Delivery Despite Knowing I Was Home
 - e. 1/10/23 Posting of Notices in Boulevard, to Embarrass, Not Serve Henrys
 - i. Facing AWAY from Our Line of Sight, TOWARD the Street
 - ii. Without Even Attempting Personal Delivery Despite Knowing I Was Home
 - iii. or Following Statutory Timeframe for Certified Mail
 - f. 1/13/23 Phone Calls NEVER Returned by NID Staff re Questions about Date, ADA Accommodations, and Getting a Record of Proceedings per Their Letter

Phone recordings available.

- g. Only Answers Came from City Attorney Who Waited a Week to Call Me Back

Phone recordings available.

- h. NO Email Responses from City Attorney or NID re Need to Lawfully Serve Me Notice

Emails attached hereto.

OB Will Not and/or Cannot Issue A Permit Because

1. Pavers / Parking Area Permit Would Be Denied Because
 - a. Pavers / Concrete / etc cannot be within 7.5 feet of the property line
2. Shipping Containers Permit Would Be Denied Because
 - a. Sheds & Other Structures cannot be within 7.5 feet of the property line
 - b. Shipping Containers are "Completely Prohibited"
3. Fence Permit Would Be Denied For Failing "Aesthetic Requirements" Because
 - a. It is constructed with portions having lateral posts visible to neighboring properties
4. For Each of These 3
 - a. No permit can be issued without a full variance approved for not having a garage
 - b. No permit can be issued without a development order
 - c. No permit can be issued without engineer/architect final site plan being approved
 - d. No permit can be issued without a recent survey of the lot *specifically certified to the city*
 - e. No permit can be issued without an application that identifies:
 - i. actual shape and dimensions of the lot,
 - ii. existing use of buildings on the lot,
 - iii. number of families the building is designed to accommodate,
 - iv. location and number of required off-street parking and off-street loading spaces,
 - v. landscaped buffer areas,
 - vi. accessory uses of the property,
 - vii. driveway and access standards,
 - viii. impact fees,

- ix. utility installation fees,
- x. sign regulations
- f. A Permit Would Be Denied Because OB Denies Aesthetic Value of Each

Requirement for OB Officials, Attorney & Special Magistrate to Follow The Constitution

1. Indeed, OB's own Code of Ordinances Section 2-29 requires "[a]ll persons who now or hereafter are employed by, or who now or hereafter are on the payroll of, the city shall take an oath [to] support the Constitutions of the United States and of the State of Florida." See *also* Fl. St. 876.05.
2. Additionally, in Fl. St. 112.311(6), it was "declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution."
3. A "public office is a public trust. The people shall have the right to secure and sustain that trust against abuse,"² and bring action against such abuses via claims for abuse of process, malicious prosecution, and under 18 USC 241.

CONCLUSION

The purpose of government (and its laws) is to secure our individual, God-given liberties, so that in my exercise of my rights, I am not impeding upon your exercise of your rights. Hence, the Fourteenth Amendment guarantees no State shall deny anyone "equal **protection** of the laws."

Let's be clear. The privacy fence, shipping containers and pavers are all on our own property. They are all in fully functioning order, *all* having survived the sustained 70+mph winds of Hurricane Ian (and Nicole). Not a single part came off and flew around in the hurricanes, despite many of our neighbor's fences and sheds being decimated. Except the ONE nasty neighbor who complained to OB that we "have ruined the neighborhood since [we] got here," *most* neighbors genuinely appreciate the fence, shipping containers and pavers, while a few others are indifferent. Indeed, they impact neighboring properties in *no* negative ways, but do reduce the amount of sandspurs and water runoff transferring to neighboring properties, help contain sound within our own property, keep soccer balls out of neighbor's yards as neighborhood kids gather to play, significantly mitigate wind and flood damage, keep frequently loose neighbor dogs out, provide a more crisp and streamlined appearance, and provide a place for neighbors to gather for a leisurely game of basketball.

As applied to our pavers, backyard privacy fence, and two shipping containers, there is no "substantial advancement of a legitimate state interest" by requiring us to

- pay the city and obtain permission before using our homestead for normal residential purposes
- install our fence with certain decorative qualities
- keep our shipping containers or pavers at least 7.5 feet away from all side and rear property lines, or completely remove our shipping containers (which are in much better condition than many of the homes in this area)
- submit the existing use of buildings on the lot, the number of families the building is designed to accommodate, the location and number of required off-street parking and off-street loading

² FL Const Art II Sec 8.

spaces, landscaped buffer areas, a recent survey of the lot *specifically certified to the city* (a cost of \$750 or more), accessory uses of the property, driveway and access standards, impact fees, utility installation fees, sign regulations, etc.

Indeed, the Florida Supreme Court explained that the powers of a municipality are to be interpreted and construed in reference to the *purposes* of the municipality and if *reasonable doubt* should arise as to whether the municipality possesses a specific power, such ***doubt will be resolved against the City***. City of Miami Beach v. Fleetwood Hotel, Inc., 261 So. 2d 801 (Fla. 1972), citing Liberis v. Harper (Fla. 1925) 89 Fla. 477, 104 So. 853. With all the conflicting legal provisions, and blatant violations of the law by OB, that is *exactly* what must happen here.

Michael & Katherine Henry v City of Ormond Beach (OB)

NOTICE OF PROPOSED ACTION under

- Fl. St. 70.001
- **Fl. St. 70.45**
- Fl. St. 81.011
- Fl. St. 82.01 and 82.03(1)
- **Fl. St. 373.185**
- Fl. St. 810.02 and 810.011
- Fl. St. 810.08 and Fl. St. 810.09(3)
- Fl. St. 810.12
- Fl. St. 163.3177(6)
- Fl. St. 163.3194(4)
- FL Const Art I Sec 1
- FL Const Art I Sec 2
- FL Const Art I Sec 9
- FL Const Art I Sec 12
- FL Const Art I Sec 23
- FL Const Art X Sec 6
- 42 USC 1983
- 14th Amendment
- 4th Amendment
- 5th Amendment
- 9th Amendment

Please note that state law **requires** OB to respond in writing to this notice, with no less than: a statement that no further action will be taken by OB as against the Henrys, or a statement fully identifying the *specific harm created by the Henrys' proposed use of their property* and fully explaining *how each* government exaction is proportionate to said specific harm. Depending on the future actions of OB, if Henrys must file this action in court, it may be filed in State or Federal Court.

Notice to Cease and Desist

As OB has violated numerous laws, which are detailed below, this NOTICE serves to inform you (all OB employees and officials) that YOU MUST IMMEDIATELY CEASE AND DESIST all LDC actions being taken against Michael and/or Katherine Henry. Failure to do so will result in legal action being taken against you in your official *and* individual capacities (as continuation of these actions constitutes actions done under the *color of law*, without actual authority).



Constitutional Attorney, Admitted in the United States
Supreme Court and four Additional Jurisdictions
November 8, 2022

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I. OB Is Prohibited From Taking Further Action Because It Violated The Henrys' Rights

Even LDC Section 1-13(a)(2) recognizes the need for "equitable" enforcement of "the codes and ordinances."

A. OB Violates Equal Protection By Enforcing Permitting Procedures As Against Henrys When OB *Wouldn't* Enforce Permitting Procedures To Protect Henrys' Interests At Rollins Property

Under the Equal Protection Clause of the Fourteenth Amendment, government may not selectively enforce laws against one individual while ignoring identically situated individuals. However, that is exactly what OB has done here. Just last year, when the Henrys moved to Florida, a permit situation arose where OB denied the Henrys equal *protection* of the law.

In July 2021, the Henrys entered into a contract to purchase the home at 924 Rollins Avenue. The contract, which the sellers drafted, clearly stated that the *seller* was responsible for obtaining and finalizing all building permits. After being informed by the Henrys that they wanted to purchase the home, sellers began extensive demo / remodeling of the home, filling up two consecutive 20' dumpsters. The Henrys were told only about the kitchen being demoed as sellers drafted the purchase agreement, and it was included in the contract that the Henrys could have their property on site and receive their mail at 924 Rollins while the Henrys were completing the renovations before closing. Upon delivering the signed contract to the Henrys, sellers took the Henrys through the property, pointing out additional repairs and upgrades "the mortgage company was going to require" before issuing the loan (according to the sellers who have worked in the mortgage industry for 30+ years). Acting as a general contractor (and telling the Henrys they are, in fact, general contractors who regularly flip homes like this one), sellers appeared onsite several times before the closing date, as well as monitored the process via constant text and phone communication.

A few days before closing, a neighbor called and reported that work was being done to the property without a permit. As soon as the Henrys were informed of this by city officials (who posted a Stop Work Order at the property, and explained to the Henrys the work that must be stopped immediately), they went down to City Hall to obtain all necessary paperwork to prepare the applications for permits. However, later that day, as the Henrys were at Lowe's picking up another \$10,000 in windows and building supplies, sellers called to tell the Henrys that they were canceling the contract and changing the locks immediately - with *no* reason stated.

Seller, in fact, came first thing the next morning with a locksmith and attempted to change the locks to the property with Katherine and Emma Henry inside! Sellers then began a campaign of harassment and terror, threatening the lives of the Henrys and violating 26 different criminal statutes in Florida! The day *before* closing, sellers filed a lawsuit against the Henrys, claiming the Henrys failed to go to closing, while simultaneously telling the Henrys the sellers refused to close on the sale. The Henrys hired legal counsel and filed a counterclaim for specific performance of the contract, among other things. However, in the midst of this court battle, the Henrys' attorney died in a scuba diving accident, and a fill-in judge was assigned to hold the pending hearings (as the assigned judge was close with the Henrys' attorney and was too upset to continue hearings that week). While the case was pending, sellers continued stalking the Henrys, and illegally and literally threw all of their personal belongings and approximately \$60,000 in remodeling materials out of the

house, resulting in thousands of dollars in damage to the Henrys. This was also despite the Lis Pendens the Henrys filed with the county records office. (Exhibit A).

As this was all unfolding, the Henrys called several times to the OB PD to have them take legal action against the threats with firearms and other crimes being committed by the sellers toward the Henrys. Each time, the officers refused to take the report or make any arrests, saying that since a civil lawsuit was pending, they wouldn't get involved. Even as the sellers brought yet another dumpster to the property and had several handymen onsite to work on the home (while the lawsuit was actively continuing), OB building officials refused to take action against the sellers for continuing work on the home intentionally without a single permit! (The sellers had even canceled the 1 permit the Henrys had been able to secure!) OB neighborhood improvement officers, police officers and building officials were all asked by the Henrys to take action to stop the sellers from working on the home, as the Henrys still had a vested interest in the home and the contract did NOT allow the sellers to remodel or work on the property once the Henrys had taken possession in July.

Every single attorney (of dozens) the Henrys contacted agreed that everything sellers were doing was illegal, and that the Henrys would ultimately win in court, but most of the attorneys were unable to help on such a short notice (the Henrys were given no time to secure replacement counsel after their attorney died). One of these attorneys was particularly upset by the facts of the case, and even called OB to ascertain why OB was refusing the Henrys equal *protection* of the law by enforcing the LDC, and stop the sellers from working on the home while the case was being litigated. Not only did OB inform the attorney OB would *not* do anything to enforce the LDC *as against the sellers*, but OB also referred to the Henrys as "squatters"! This is despite OB receiving copies of the Henrys' CounterComplaint, exhibits, and court orders. (The Henrys ultimately decided to purchase the home at on Cypress, and subsequently reached a settlement with the sellers regarding the return of at least some of their funds for the Rollins property.)

OB's enforcement of the LDC *as against the Henrys* at the Rollins property, outright refusal to enforce the LDC *as against the sellers* for the Rollins property (especially throughout August and September 2021), and current attempts to enforce the LDC *as against the Henrys* for their current property establishes a **clear violation of the Henry's right to equal protection of the law**. Accordingly, OB's attempts to enforce permitting "requirements" upon the Henrys now is a blatantly unconstitutional act by OB.¹

B. Equal Protection (Versus Other Neighbors)

Again, under the Equal Protection Clause of the Fourteenth Amendment, government may not selectively enforce laws against one individual while ignoring identically situated individuals. However, OB had done just that, but in yet another context.

1. Full Remodels In The Last Year

If OB expects to enforce a portion of the LDC against the Henrys, they must be enforcing the entire LDC against all other similarly situated homeowners, yet they have not. In the documents attached in the Notice from OB, it says a building permit is required for demolition and extensive remodeling

¹ Exhibit B, Henry Response to Kelly Emergency Motion for Temporary Injunction; Exhibit C, Henry Answer to Kelly Complaint & Henry CounterComplaint; Exhibit D, Henry's Response and Motion for Protective Order are attached hereto.

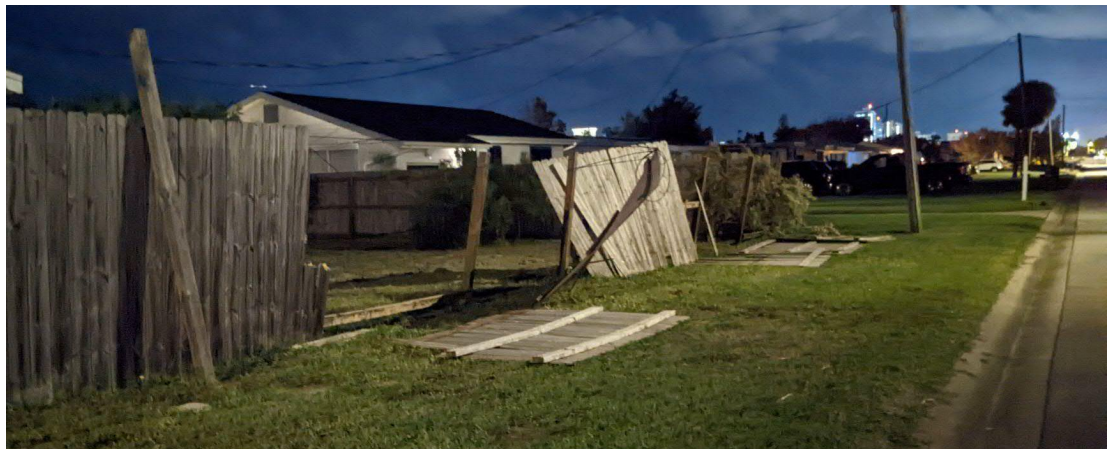
(see, eg., LDC Section 1-14(6)). Yet, when prominent building management companies, licensed realtors, and flippers made significant renovations to homes in the area, the city required no permits (even when on main roads, such as Rockefeller). Just for example, within the last year, 223 Rockefeller, 36 Cypress Circle, and 138 Rockefeller were all gutted and remodeled (tubs, toilets, kitchens, walls, etc.) without *any* permits being issued. In fact, even to this date (and having occurred for several weeks), extensive repairs and/or remodeling is happening to 14B Byron Ellinor and 48 Byron Ellinor, with absolutely *no* permits being listed for those properties.



2. Fences Not To Code / Without Permits

LDC Section 2-50(n)(16) states “a. All fences and walls shall be maintained in good repair and free of any graffiti. b. All fences and walls shall be maintained in their original upright condition. c. Missing boards, pickets or posts shall be replaced in a timely manner with material of the same type and quality.” However, even just within this very neighborhood, there are countless examples of fences clearly not up to code (wrong materials, wrong placement, or complete disrepair) - which OB does absolutely nothing about, while simultaneously attempting to enforce fence regulations against the Henrys. Furthermore, most of the fences on beachside were destroyed by Hurricane Ian, with many homeowners replacing those fences already - with no permit. The fences at 24 Cypress Circle, 196 Rockefeller, and 361 Atlantic are just a few of these. Clearly, whatever fence permitting that would apply to the Henrys would also apply to all other similarly situated homeowners...





3. Sheds And Storage Not To Code / Without Permits

OB also practices unequal enforcement of the LDC regarding sheds and storage. LDC Section 2-50(o) *Garages* states “All single-family residences are required to have a garage or carport structure,” but with our neighborhood being built in 1949 as a vacation village, most of the homes here do not have a garage. Yet, OB expressly attempts to prohibit general outdoor storage of items (clutter) that might otherwise be stored in a garage. See LDC Section 2-50(x)(1). But, with just a quick drive through our neighborhood, you can see that virtually every home has items stored in both back and front yards. So, the outdoor storage provisions of the LDC have not been enforced at least for years - but OB is attempting to prohibit (or at least regulate) the covered storage of the Henrys.

Likewise, large sheds which were installed at various homes in the area (including, for example, at 34 Cypress Circle and 36 Cypress Circle [in 2022]), which were subsequently destroyed by Hurricane Ian, were not required to have permits. Even the “setbacks” OB said applied to the Henrys’ shipping containers, are not applied to countless sheds and other storage buildings throughout OB, including, just for example, the sheds at 24, 29, 131, 143, 178 and 204 Rockefeller; 24 and 26 Cypress Circle; 485 and 491 Grandview; 475 and 481 Wild Olive; 178 and 199 River Beach; 37 Byron Ellinor; 15 Mulberry; 465 Cedar; 500 Hollywood; 473, 479, 486 and 506 Pinewood;

491 and 503 Magnolia; 402 and 421 Halifax; 1 Bayberry; 384, 391, 401, 425 and 431 Pine Rd. Moreover, OB has allowed two shipping containers of seemingly the same size to be sitting right on the property line just a few streets over at 180 Benjamin.





4. Pavers Not To Code / Without Permits

As it relates to the pavers, OB has many instances of unequal enforcement of the LDC. In several instances, like 135 Magnolia, permits were issued for pavers which did not comply with provisions of the LDC, such as how the pavers were installed with no setbacks from rear or side property lines. At 52 Byron Ellinor, as another example, OB was onsite at least 4 times in 2022 for various permitted projects, but no permit *nor* setback was required for the white stones which now cover the entirety of the front yard and driveway additions. But this example also shows that even materials provisions of the LDC are not being enforced upon other properties. LDC Section 2-50(x)(4) prohibits parking “in the front yard of any residential property,” except for on paved driveways or driveway extensions made of asphalt, concrete, asphalt brick, brick pavers, or turf block, which must extend from the existing driveway toward the side lot line away from the front of the house. See *also*, LDC Section 1-22 definition of “driveway means a paved area,” and “[p]aved area means an improved area consisting of asphaltic concrete, concrete, brick or similar material.” But, then again, the vast amount of homes in this area that have cars parking on grass, rocks, and other “unapproved” surfaces greatly outnumbers the homes where parking is done properly per the LDC. (A quick drive around the neighborhood will show you that, so no example addresses are even necessary here.) Again, OB cannot selectively enforce provisions of the LDC regarding pavers, as that clearly denies the Henrys equal protection of the law.



Literally EVERY SINGLE PERSON who has walked by, stopped to talk or comment in ANY way about the Henrys' home since they've been here (with the neighbor who complained to OB about the Henrys as the ONLY exception) has gone out of their way to tell them how they can see how hard the Henrys been working to make their home, and their neighborhood a better place. They've appreciated how the Henrys' reduced otherwise natural water runoff, significantly reduced the sandspurs and weeds (which spread from one property to another), reduced the otherwise natural sound level emitted from our home, cleaned up the overall appearance of the home, hosted a neighborhood library (until it was stolen - on camera!), assisted neighbors needing a helping hand to do similar things to their own properties, etc. So, it is void of all common sense for OB to come after the Henrys for working tirelessly to improve their home and their neighborhood, while allowing countless properties nearby, let alone throughout the entire city, to stay untended or in utter disrepair.

C. OB Violated Henry's Rights To Privacy Against Unreasonable Searches And Seizures

Not only does the Fourth Amendment protect us against unreasonable searches and seizures by the government, but our state constitution and state law does, too. However, on September 2, 2022, OB officials came, unannounced, to the Henrys' home. As later seen on security footage, OB officials not only came onto the Henrys' property, but they went past barriers the Henrys had put into place to keep a nosy neighbor out. Upon being in that intimate curtilage of the Henrys' home, OB officials then looked around and even took pictures. Although OB knew Katherine Henry (and her daughter) were home, as they had just gotten off a long phone conversation, they did not announce themselves, instead choosing to sneak around the Henrys' property, first past the 8-year old's bedroom window, then moving on.

FL Const Art 1 Sec 12 *Searches and Seizures* also declares "[t]he right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, *shall not be violated*. . . . [wherein] Articles or information obtained in violation of this right shall not be admissible in evidence." Thus, all pictures and other documentation OB took of the Henrys' property that day must be immediately forfeited to the Henrys, as OB is prohibited from keeping that which they illegally obtained. In other words, any potential "evidence" OB obtained that day is fruit of the poisonous tree, and OB is barred from keeping or benefiting from such.

Numerous US Supreme Court cases have explained that "except in certain carefully defined classes of cases, a search of private property without proper consent is 'unreasonable' unless it has been authorized by a valid search warrant," which OB clearly did *not* have.² And Justice Scalia explained that "With few exceptions, the question whether a warrantless search of a home is reasonable and hence constitutional must be answered no."³ "Further, FL Const Art 1 Sec 23 *Right of Privacy* further declares that "[e]very natural person has the *right to be let alone and free from governmental intrusion* into the person's private life." How much clearer could it be?

In addition to these constitutional protections, state law also prohibits this type of behavior by OB officials. Pursuant to Fl. St. 82.01 and 82.03(1), the Henrys intend to pursue their rights to a cause

² *Camara v Municipal Court of City and County of San Francisco*, 387 US 523, 528-529 (1967).

³ *Kyllo v United States*, 533 US 27 (2001).

of action against a person who obtained possession of their property by unlawful entry, as was done here. The legislative findings of Fl. St. 810.015 “that in order for a burglary to occur, it is not necessary for the licensed or invited person to remain in the dwelling, structure, or conveyance surreptitiously,” are also of importance here. Indeed, under Fl. St. 810.02 and 810.011, a burglary occurs upon a person “entering a dwelling [or] structure” including the curtilage thereof, as OB officials did here. Indeed, with Katherine and her daughter both in the home when OB officials came onto the property that day, the “burglary is a felony of the second degree” per Fl. St. 810.02(3).

Further, Fl. St. 810.08 indicates that when “whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure,” that person “commits the offense of trespass in a structure.” Indeed, as “there is a human being in the structure or conveyance at the time the offender trespassed,” this “trespass in a structure” “is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.” This portion of state law acknowledges that a person is not “authorized” merely by virtue of being a government official, but must fall within certain exceptions to be “authorized.” Fl. St. 810.09(3). As the OB officials at the Henry property were not “law enforcement officer[s] whose department has received written authorization from the owner,” nor where they “registered engineers and surveyors and mappers authorized to enter lands,” this action by OB also constituted an illegal entry upon land under Fl. St. 810.12. See *also* Fl. St. 810.12(5), 471.027, and 472.029. Moreover, even Fl. St. 166.0415(4) states that “[n]othing in this section shall be construed to authorize any person designated as a code inspector to perform any function or duties of a law enforcement officer.” Further, even a law enforcement officer would have to have a warrant in order to come into the dwelling (or curtilage thereof) of the Henrys.

D. OB Is Attempting To Exercise Eminent Domain Over Henry’s Property In Violation of the US Constitution, FL Constitution, Federal Law, and State Law

The three “Notices of Violation” involved herein demonstrate OB’s attempt to exercise eminent domain, or a taking, of Henrys’ property. LDC Section 1-12(a) claims that “No development, as defined herein, or change in land use shall be undertaken without prior authorization pursuant to this Land Development Code.” Indeed, LDC Section 1-22 defines “development” as “the use of any structure, land or water.” As if this definition isn’t overbroad enough on its own, the definition continues to sprawl over an additional 264 words! One such example of this “sprawl” includes “the making of any change in the appearance of any structure, land or water,” which necessarily includes mowing your lawn, pulling the weeds, planting a flower, etc.

LDC Section 1-04(a) declares that “all provisions [of the LDC] shall be [c]onsidered as minimum requirements,” and “[l]iberally construed in favor of the city.” LDC Section 1-13(a)(1) even goes so far to say that the entire LDC is written to not only provide punishments for all who “violate” it, but to also “discourage [even] *potential* violations.” Punishing *actual* violations of a legitimate local law (or even *encouraging* future compliance) is one thing, but creating a local *law* intended to discourage *potential* violations goes beyond the bounds of reasonable. With phrases like “Keep Florida Free” becoming the new unofficial tagline of our state, this blatant attempt to control even the *thought* of something contrary to the LDC is shocking, to say the least.

OB instructed the Henrys over the phone that their shipping containers had to be removed. Later in the conversation, OB claimed even if the shipping containers could remain *on the Henrys’ property*, they must be moved to at least 7.5 feet away from the side and rear property lines. In the Notice, OB claims the shipping containers are in violation because they don’t have a permit, but OB has not

identified which requirements it intends on utilizing in determining whether to grant the permit. Moreover, OB has now sent an email stating "I just wanted to follow up with you in regards to obtaining the building permits for your new fence, pavers and *getting the storage containers removed from the property.*"

OB also verbalized several alleged violations (such as the design) with how the Henrys' privacy fence is constructed, although the notice only identifies the mere absence of a permit (and thus does not clarify if Henrys' application for such permit would be denied anyway on the basis of the prior verbalized concerns, which were mainly unfactual claims by a nasty neighbor - the only in the neighborhood to have a problem with Henrys' fence). Thus, the Henrys are left with the understanding that even if they were to file the gobs of paperwork and pay the fee to OB to simply keep their own privacy fence, OB would require them to tear it down anyway.

Further, OB claims in the notice that the pavers merely need a permit. However, OB verbalized in that same phone call that the pavers must be 7.5 feet away from the Henrys' rear and side yard property lines. When Katherine Henry asked why OB would institute such an arbitrary setback, OB informed her it was to avoid potential water runoff issues with a neighboring property.

Let's be clear. The privacy fence, shipping containers and pavers are all on the Henrys' own property. They are all in fully functioning order, *all* having survived the sustained 70+mph winds of Hurricane Ian, despite virtually *all* neighbors having damage to their sheds, fences and landscaping. Not a single part of any of them came off and flew around in the hurricane, despite most of the neighbor's fences and sheds literally being decimated. (Most neighbors suffered entire losses of their sheds and fences, if not more than 50% damage, including businesses like Pizza Hut.) The fence, shipping containers and pavers were placed onto the property with care to not only prevent new water runoff issues toward neighboring properties, but to stop any current runoff from the Henrys' property to neighboring properties, which naturally occurred as Henrys' property is around 1-2 feet higher in elevation compared to neighboring properties. Except the ONE nasty neighbor who complained to OB about the fence, shipping containers and pavers saying the Henrys "have ruined the neighborhood since they got here," *most* neighbors are impressed by and genuinely appreciate the fence, shipping containers and pavers, while a few remaining others have complete indifference about them. Indeed, they impact neighboring properties in *no* negative ways, but do reduce the amount of sandspurs and water runoff transferring to neighboring properties, help to contain sound from the Henrys within the Henrys' own property, keep soccer balls out of neighbor's yards as neighborhood kids gather to play in the backyard, significantly help to reduce the amount of damaging winds ripping through, keep frequently loose neighbor dogs out, provide a more crisp and streamlined appearance, and provide a place for neighbors to gather for a leisurely game of basketball.

So, despite OB's intentions and declarations, the application of a general zoning law to particular property effects a taking if the **ordinance does not substantially advance legitimate state interests**. See *Nectow v. Cambridge*, 277 US 183, 188 (1928). Further, FL Const Art I Sec 2 *Basic Rights* explains that "[a]ll natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty [and] possess and protect property." FL Const Art X Sec 6 *Eminent domain* explains "No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner," which goes hand-in-hand with US Constitution Am V stating "nor shall private property be taken for public use,

without just compensation.” In addition to the overwhelming regulation of literally every use of our own property (i.e., the “taking” by OB), OB also deprives us of the use of our own property, in violation of the Fifth and Fourteenth Amendments to the US Constitution and FL Const Art I Sec 9, by requiring us to literally get their permission to use our own property in *any* way.

As applied to the Henrys and their pavers, backyard privacy fence, and two shipping containers, there is no “substantial advancement of a legitimate state interest” by requiring the Henrys to pay the city and obtain permission before using their own homestead for normal residential purposes. Likewise, there is no “substantial advancement of a legitimate state interest” by requiring the Henrys to install their fence with certain decorative qualities, to keep their shipping containers or pavers at least 7.5 feet away from all side and rear property lines, or to remove their shipping containers (which are in much better condition than many of the homes in this area).

1. State Laws Protect Private Property Rights

The Bert J. Harris, Jr., Private Property Rights Protection Act specifically protects private property rights in this very context. The legislature even mandated that “the State Comprehensive Plan shall be . . . consistent with the protection of private property rights.” Fl. St. 187.101. Likewise, in Fl. St. 163.3194(4), the legislature recognized that “private property shall not be taken without due process of law and the payment of just compensation.” So, too, in Fl. St. 70.001, the legislature recognized “that some laws, regulations, and ordinances of the state and political entities in the state, as applied, may inordinately burden, restrict, or limit private property rights without” a court declaring it “a taking under the State Constitution or the United States Constitution. The Legislature determines that there is an important state interest in protecting the interests of private property owners from such inordinate burdens.” If OB continues to violate the Henrys’ rights, they will certainly employ the “separate and distinct cause of action from the law of takings” that this statute created.

But the state legislature created additional similar protections for property owners. Fl. St. 163.3177(6)(i) requires local governments to consider “constitutionally protected private property rights” in local decision-making. Specifically, Fl. St. 70.002 acknowledges that, although not a comprehensive list, our “rights and protections include:

1. The right to acquire, possess, and protect your property.
2. The right to use and enjoy your property.
3. The right to exclude others from your property.
4. The right to dispose of your property.
5. The right to due process.
6. The right to just compensation for property taken for a public purpose.
7. The right to relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity unfairly affects your property.”

Further, as seen in Fl. St. 163.3161, it “is the intent of the Legislature that all governmental entities in this state recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Legislature that all rules, ordinances, regulations,

comprehensive plans and amendments thereto, and programs adopted under the authority of this act must be developed, promulgated, implemented, and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions by others which would harm their property or which would constitute an inordinate burden on property rights as those terms are defined in s. 70.001(3)(e) and (f). Full and just compensation or other appropriate relief must be provided to any property owner for a governmental action that is determined to be an invalid exercise of the police power which constitutes a taking.”

Likewise, Fl. St. 70.45 *Government Exactions* was also enacted. “In addition to other remedies available in law or equity, a property owner may bring an action in a court of competent jurisdiction under this section to declare a prohibited exaction invalid and recover damages caused by a prohibited exaction.” Further, “‘Prohibited exaction’ means any condition imposed by a governmental entity on a property owner’s proposed use of real property that lacks an essential nexus to a legitimate public purpose and is not roughly proportionate to the impacts of the proposed use that the governmental entity seeks to avoid, minimize, or mitigate.” Thus, this entire written response serves as the **WRITTEN NOTICE OF PROPOSED ACTION**. The actions by OB are so incredulous that each of the points discussed herein serve to explain why the exaction is prohibited, as required under Fl. St. 70.45(3). The estimate of damages is attached hereto.

Please keep in mind that not only must OB respond in writing explaining why OB maintains the exaction is proportionate, but OB must ***identify the specific harm created by our proposed use of our real property***. Of course, state law allows OB to remove the exaction, so no further action by either party would be needed. Please also keep in mind that OB “has the burden of proving that the challenged exaction has an essential nexus to a legitimate public purpose and is roughly proportionate to the impacts of the proposed use that the governmental entity is seeking to avoid, minimize, or mitigate.”

This notice also serves to inform OB of the Henry’s intent to pursue a Petition for Prohibition under Fl. St. 81.011 against OB.

2. Overregulation = Literal Impossibility to Follow All Land Use Ordinances

OB’s overregulation of land use creates a literal impossibility to follow all land use ordinances. For example, according to LDC 1-14, prior to using any land whatsoever⁴, “the city shall have issued an approved development order *and* building permit.” Want to mow your lawn? You need an approved development order *and* building permit for that. Want to pull your weeds? You need an approved development order *and* building permit for that. Want to park your car in your own driveway? You need an approved development order *and* building permit for that. Want to plant flowers in your front yard? You need an approved development order *and* building permit for that. Want to put a kiddie pool in your fenced-in backyard for your dog to cool off in? You need an approved development order *and* building permit for that. Want to fix your clothes line before hanging your next load of laundry out to dry? You need an approved development order *and* building permit for that.

But, I forgot to mention that LDC 1-14 not only requires an approved development order and building permit, but also the “development order shall be issued only in conjunction with the approval of either a final site plan,” so have your pocketbook ready to pay for the engineering fees, and other expenses of site plans. Yes, that includes for mowing your lawn, pulling your weeds, parking in your driveway, planting flowers, your dog’s kiddie pool, fixing your clothes line, and all other uses of your property.

⁴ See aforementioned definition of “development” by the LDC in Section 1-22.

Additionally, LDC Section 2-50(o) *Garages* states “All single-family residences are required to have a garage or carport structure.” Further, no applicant may receive a building permit of any kind without “[a]ll requirements of this Land Development Code [being] met unless a variance is granted by the Board of Adjustment and Appeals.” LDC Section 1-14(6)(a)(4)(iv). However, the vast majority of homes in our neighborhood, let alone the general OB beachside community, do *not* have garages. So, no garage? You can’t get a building permit for anything purporting to require one, unless you first go through the process of applying for - and actually receiving - a variance under LDC Section 1-16.

The impracticality, unreasonableness, and often impossibility of complying with the “submittal requirements” for building permits per LDC Section 1-14(6)(b) is likewise astounding. Want to put up a small swing set for your 8 year old? Get a gazebo from Sam’s Club as an anniversary gift? Want to set up a bonfire area to make s’mores with your kids this holiday season? Not only are you required to meet the aforementioned absurd requirements, but your building permit application *must* also contain information including the actual shape and dimensions of the lot, the existing use of buildings on the lot, the number of families the building is designed to accommodate, the location and number of required off-street parking and off-street loading spaces, landscaped buffer areas, a recent survey of the lot *specifically certified to the city*, accessory uses of the property, driveway and access standards, impact fees, utility installation fees, sign regulations. While some items within LDC Section 1-14(6)(b) are marked as being required only “if applicable,” many of the items - including *all* of those listed here - do not contain that modifier of the otherwise required language.

The LDC also attempts to regulate the “aesthetic” value of a homeowner’s use of their property. Uses not deemed “aesthetically acceptable,” such as in LDC Section 1-15(e)(7), are withheld “approval” by OB. As for these beauty requirements, OB fails to even attempt to claim a legitimate state interest is involved, let alone these provisions of the LDC provide a “substantial advancement” of such.

As if the staggering amount and complexity of land use regulations in OB wasn’t enough, provisions of the LDC like sections 1-18(f)(1) claims the “city commission may include additional reasonable and appropriate conditions not specifically provided for in this Land Development Code.” Moreover, OB has onerous setbacks for pools, garages, sheds, play structures, gazebos, and all other typical Florida outdoor features, which means that even with a modest parcel over 10,000 square feet, it is literally impossible to meet all the setbacks, and still enjoy these features (some of which are required by the LDC!).

As applied to the Henrys and their pavers, backyard privacy fence, and two shipping containers, there is no “substantial advancement of a legitimate state interest” by requiring the Henrys to submit the existing use of buildings on the lot, the number of families the building is designed to accommodate, the location and number of required off-street parking and off-street loading spaces, landscaped buffer areas, a recent survey of the lot *specifically certified to the city* (a cost of \$750 or more), accessory uses of the property, driveway and access standards, impact fees, utility installation fees, sign regulations, etc.

3. Intent Of The Legislature To Encourage Homeowners To Employ Wind Mitigation, Flood Mitigation & Water Conservation On Their Properties

We must also recognize the consistent intent of the Florida Legislature to encourage homeowners to employ wind and flood mitigation on their homes. The state constitution already contains a provision in article VII section 4 (i)(1) to “prohibit an increase in the assessed value of real property used for residential purposes as the result of improving the property’s resistance to wind damage,” and the legislature has introduced Ballot Proposal 1 (2022) to apply that same language to flood mitigation measures taken by homeowners.

Indeed, there is not only a desire to “Protect human life against the effects of natural disasters,” but also to “improve resilience to coastal flooding resulting from high-tide events, storm surge, flash floods, stormwater runoff, and related impacts of sea-level rise.” Fl. St. 163.3177(6)(g). Moreover, OB is required to account for hazard mitigation and protecting human life against the effects of natural disaster, include development principles and engineering solutions that reduce the flood risk in coastal areas, and identify best practices that may reduce losses due to flooding. Fl. St. 163.3178.

More telling is Fl. St. 373.185, which clearly states a **“local government ordinance may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land.”** While areas of the Henrys’ property were prone to flooding, it was not capable of sustaining any vegetation other than sandspurs and weeds, certainly not without significant irrigation use. “‘Florida-friendly landscaping’ means quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant.” And since the pavers were installed in a way to reduce stormwater runoff to neighboring properties, allow for easier maintenance, and eliminate the need for irrigation thereby “result[ing] in water conservation,” they fulfill the goals of using such landscaping.

Prior to the fence, pavers, and shipping containers being placed onto the Henrys’ property, the yard was incapable of sustaining any vegetation other than sandspurs and weeds, and had significant issues in several areas with water drainage. The fence, pavers and shipping containers were carefully placed so as to significantly mitigate not only wind damage, but also flood damage from various types of flooding events. Indeed, while many people in our area had significant flooding with Hurricane Ian, the Henrys’ home was able to keep up with a normal, natural flow of water into the storm drains, and not onto any neighboring property. Likewise, while most neighbors had significant wind damage from Hurricane Ian, the fence and shipping containers kept the wind damage at the Henrys’ down to a minimum, thus reducing the risk to neighboring properties of airborne debris.

II. OB Is Prohibited From Taking Further Action Because It Exceeded Its Authority

OB claims in its LDC that Fl. St. 163.3202 provides the authority to take some of these actions, FL. St. 163.3202 indicates nothing about such requirements for pavers, shipping containers or the fence. See *id* at subdivision (2). But there are several other significant reasons why OB is prohibited from taking any further action in this matter, as it has clearly exceeded its constitutional and statutory authority.

A. Cities Have No Authority To Regulate Like An HOA (Overregulation Akin to HOA Rules)

Although OB has enacted ordinances claiming the “powers of the city shall be construed liberally in favor of the city” (Ordinance 2008-30), and that nothing in the OB Charter “shall affect or impair the rights or privileges of persons who are city officers or employees,” the fact remains that *all* OB

officers and employees work for the people of the city (i.e., residents like the Henrys), and the inalienable rights of *the people* cannot be impaired by the city.

Per Ordinance 2019-41, “in October of 2016 the city commission authorized Municipal Code Corporation to review” and amend the existing LDC. In so doing, the city commission relied upon MCC to determine whether the amendments “are consistent with the constitution and the applicable laws of the state of Florida, the city’s Charter, and the city’s Comprehensive Land Use Plan.” The city commission also claims that only a “court of competent jurisdiction” can recognize and declare any portions of the LDC “unconstitutional, invalid, or unenforceable.” However, city officials and employees don’t have the option of ignoring all things “constitutional,” leaving those matters for others to deal with. Indeed, OB’s own Code of Ordinances Section 2-29 requires “[a]ll persons who now or hereafter are employed by, or who now or hereafter are on the payroll of, the city shall take an oath [to] support the Constitutions of the United States and of the State of Florida.” See *also* Fl. St. 876.05.

But that would not be the first time OB employees and officials have been required to take that oath, as FL Const Art VI Sec 3 *Oath* requires each registered voter to take the oath to “protect and defend the Constitution of the United States and the Constitution of the State of Florida.” Additionally, in Fl. St. 112.311(6), it was “declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution.”

1. The Purpose Of Government

LDC Section 1-03 claims OB’s “comprehensive plan and this Land Development Code are tools that the leaders of the city shall use to protect and maintain a high quality of life for the citizenry of the city.” However, this is *not* the purpose of our government.⁵ Instead, we are “endowed by [our] Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. [And] to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.” Declaration of Independence.

i. Our Rights Come From God, Not The Government

With OB’s approach to land use regulations being one of “you can’t use your property for any purpose without prior written permission from OB, including payment of a fee,” it seems remiss not to remind you that we get our rights from God, not the government. The Florida Constitution Preamble clearly states “We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty,” established our constitution.⁶ FL Const Art I Sec 2 *Basic Rights* explains that “[a]ll natural persons, female and male alike, are equal before the law and have **inalienable rights**, among which are the right to enjoy and defend life and liberty . . .”⁷ In fact, although the entire first article of the state constitution is focused on explaining our individual liberties (and is hence called

⁵ As our state constitution preamble states, we “the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.”

⁶ See *also* US Const Preamble, “We the People of the United States in Order to . . . secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

⁷ See *also* Declaration of Independence.

“Declaration of Rights”), FL Const Art I Sec 1 reminds government officials that the “enunciation herein of certain rights shall not be construed to deny or impair others *retained* by the people.”⁸

So, as explained above, the purpose of government is to secure our individual, God-given liberties, so that in my exercise of my rights, I am not impeding upon your exercise of your rights. Yes, you read that right - the purpose of government, and of its laws, is to *protect our rights*, not to regulate and punish us. Indeed, that is why the Fourteenth Amendment is worded to guarantee no State shall “deny to any person within its jurisdiction the equal *protection* of the laws.”

2. The Source Of Authority In Government

LDC Section 1-04(a) declares that “all provisions [of the LDC] shall be [c]onsidered as minimum requirements,” and “[l]iberally construed in favor of the city.” However, as stated, the state constitution Preamble explains that “We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty” were the ones to “ordain and establish this constitution.” The Florida Senate explains that the Florida Constitution is an “organized system of fundamental principles for the government of the state. It is of a permanent and general nature and *originates from the people* rather than from the legislature.” See <https://www.flsenate.gov/laws>. Indeed, not only are we guaranteed a Republican Form of Government (where we elect mere representatives, but we retain the ultimate control and authority) by US Const art IV, § 4, but US Const Am X reminds government officials that all the powers We The People have *not delegated* to the federal or state governments are *reserved to the people*. (Meaning, we *kept* the powers with which we started.) That is why the state constitution not only explains that “[a]ll political power is inherent in the people,”⁹ but that a “public office is a public trust. The people shall have the right to secure and sustain that trust against abuse.”¹⁰

Many portions of the LDC refer to OB’s need to protect the “public health, safety, welfare and quality of life” as the basis for these land use regulations. Although it is thought by some that our state or local government is responsible for public health, public safety and public welfare, those general powers have no basis in our state or federal constitutions.

The term “welfare” appears only twice in the US Constitution. In the Preamble to the US Constitution, it reminds us that we established that Constitution and formed our government to, among other things, promote the general welfare. Not to regulate it. Then, in article I § 8, we see that Congress has the “power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.” But given the sentence as a whole, it is clear to see that “provide for the common defence and general welfare of the United States” refers to that term in the financial sense. This also fits with the meaning that term (provide for) had at the time the Constitution was written. The British Dictionary defines “provide for” as “to supply means of support (to), esp financially.”¹¹ The term “welfare” only appears once in our state constitution, namely in article I § 16. Dealing specifically with victim welfare in setting bonds in criminal cases, that clearly does not apply to the LDC.

⁸ See also US Const Am IX.

⁹ FL Const Art I Sec 1.

¹⁰ FL Const Art II Sec 8.

¹¹ British Dictionary, available at <https://www.dictionary.com/browse/provide?s=t>, last accessed November 6, 2022.

The term “public safety,” as used in the Florida and US Constitutions, shows even more limits on our government’s authority to act. The term “safety” only appears once in our US Constitution. That instance is found in article I § 9, where it states “[t]he privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.” This provision clearly provides no governmental authority to act, but for the rare need to suspend the privilege of the writ of habeas corpus. Although our state constitution mentions “safety” five times, none of those portions (dealing with religious practices, habeas corpus, crime victim safety or medical marijuana) provide any authority for governments regarding land use regulations.

The term “health” appears nowhere in our US Constitution, thus, there is no Constitutional basis for the government to exercise authority relating to public health. And although the word “health” appears in the Florida Constitution 27 times, none of those references are to this general concept of “public health,” rather focusing on scholarships, education, minimum wage, patient rights, medical malpractice, tobacco and marijuana. This, likewise, leaves the LDC without Constitutional authority on the basis of “public health, safety or welfare.”

Moreover, our entire state constitution as established because “[w]e, the people of the State of Florida, [were] grateful to Almighty God for our constitutional liberty,” and wanted to “secure its benefits.” FL Const Preamble. If we wanted to create a form, structure and set of definitions for governmental power to ensure our public health, public safety and general welfare, we would have so stated. But we did not.

3. Our Use Of Our Property Does Not Infringe Upon A Neighbor's Use Of Their Property

LDC Section 1-13(a)(1) claims enforcement of the LDC by way of “violations and penalties” is intended to “protect the quality of life for current and future citizens of the city.” LDC Section 1-15(e)(4) seems to correctly identify the proper use of land development regulations (although it includes many others that go far beyond this acceptable use by OB):

The proposed use will not substantially or permanently depreciate the value of surrounding property; create a nuisance; or deprive adjoining properties of adequate light and air; create excessive noise, odor, glare or visual impacts on the neighborhood and adjoining properties.

As explained earlier, the purpose of government is to secure our individual, God-given liberties, so that in my exercise of my rights, I am not impeding upon your exercise of your rights. Indeed, the Henry’s fence, shipping containers and pavers impact neighboring properties in *no* negative ways, but do reduce the amount of sandspurs and water runoff transferring to neighboring properties, help to contain sound from the Henrys within the Henrys’ own property, keep soccer balls out of neighbor’s yards as neighborhood kids gather to play in the backyard, significantly help to reduce the amount of damaging winds ripping through, keep frequently loose neighbor dogs out, provide a more crisp and streamlined appearance, and provide a place for neighbors to gather for a leisurely game of basketball. In other words, *our use of our property does not infringe upon any neighbor’s use of their property*, so the government has no business interfering.

4. Even HOAs, Created by Private Covenants, Must Respect Individual Homeowner's Rights

By purporting to control the characteristics of pavers, fences and storage, OB is attempting to act as an homeowners' association rather than a municipality. However, even HOAs, with private covenants and various types of stylistic and beautification requirements, as defined in Fl. St. 720.301, must act in ways that still "protect the rights of association members." Fl. St. 720.302. Even as "the Legislature recognizes that certain contract rights have been created for the benefit of homeowners' associations and members thereof," in Fl. St. 720.302, HOAs are still prohibited from restricting parcel owners' rights as seen in Fl. St. 720.304.

B. Henry's Pavers, Shipping Containers & Fence Don't Require a Permit Per the LDC & Community Planning Act

Even the LDC Section 1-07 recognizes the "obligations, restrictions, rights and/or regulations heretofore existing on land located in the corporate limits of the city shall not be impaired, affected or avoided by the adoption of this Land Development Code." Long before the LDC was established, homeowners had inalienable private property rights. These rights continue to exist on all private properties within OB, and thus, shall not be impaired, affected or avoided by the LDC.

Indeed, the Florida Supreme Court explained that the powers of a municipality are to be interpreted and construed in reference to the *purposes* of the municipality and if *reasonable doubt* should arise as to whether the municipality possesses a specific power, such **doubt will be resolved against the City**. *City of Miami Beach v. Fleetwood Hotel, Inc.*, 261 So. 2d 801 (Fla. 1972), citing *Liberis v. Harper* (Fla. 1925) 89 Fla. 477, 104 So. 853. Indeed, the purpose of the "formation of municipalities" as seen in Fl. St. 165.021, is to provide "municipal services so as to: (1) Allow orderly patterns of urban growth and land use. (2) Assure adequate quality and quantity of local public services. (3) Ensure financial integrity of municipalities. (4) Eliminate or reduce avoidable and undesirable differentials in fiscal capacity among neighboring local governmental jurisdictions. (5) Promote equity in the financing of municipal services." Clearly, (2) - (5) do not apply to the municipal action here. And (1) addresses common sense land use issues, such as prohibiting tobacco shops or strip clubs from being next door to an elementary or middle school. But micromanagement of landscaping, storage, and securing of private property (both real and personal) is not covered here. With this in mind, we must examine how the pavers, shipping containers, and fence involved here don't require a permit per the LDC or the Community Planning Act.

The Notice provided by OB claims the shipping "containers being used as sheds installed without" a permit violates LDC Section 2-50(a)(9). However, LDC Section 2-50(dd)(1) entitled *Sheds, utility structures, playhouses and gazebos*, states a "building permit shall be issued prior to the erection of any accessory structure;" however, the LDC defines "erected" the same as it defines "Construction, start of." LDC Section 1-22. "Construction, start of" is further defined where the "actual start of construction means . . . the first placement of permanent construction of a building (including a manufactured home) on a site," where "[p]ermanent construction does not include . . . the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings." Further, the Community Planning Act, which governs the terms as used herein, declares that "structure" is defined by Fl. St. 380.031(19). See Fl. St. 163.3164(45). It only includes movable structures "which can be used for housing, business, commercial, agricultural, or office

purposes either temporarily or permanently,” thus excluding shipping containers such as these not capable of such uses, and in fact, being used as storage.

In applying the land *development* code, which is authorized by and governed by the Community Planning Act, it is also important to acknowledge the statutory definition of “development.” Per Fl. St. 163.3164(14) and 380.04, “development” does **not** include “the use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling,” or a “change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.” Consequently, as securing private property, storage of personal property, and landscaping and parking are customarily incidental uses to enjoyment of a dwelling, the fence, shipping containers and pavers involved cannot, by state law, be considered “development” for purposes of enforcing the land *development* code.¹² Further, OB claims LDC Section 2-50 on “accessory uses and structures” requires the fence permit. However, fences are not covered by “use” as defined in LDC Section 1-22, and they are expressly *excluded* from the definition of “structure” (“structure . . . shall not include fences or signs”) per LDC Section 1-22.

1. Shipping Container Not Against Ordinance, Not Even Mentioned In Ordinance

“The use of personal on-site storage structures shall be limited to situations where a person or business is moving to a new location.” LDC Section 2-50(x)(3) prohibits onsite moving related storage structures like Pods or U-Boxes, which makes sense since they are not designed to withstand extreme weather, like hurricanes. Obviously, permanent structures like sheds or shipping containers are not included in this type of storm-mitigation provision. And for how many shipping containers are used long-term all across OB, they cannot be assumed to be called something else, or to all of a sudden be deemed temporary in nature. As demonstrated throughout this response, the LDC is full of conflicting information, and not a single provision clearly covers the shipping containers. On that point, the Henrys were told on the phone the shipping containers had to be removed, and while the “Notice” doesn’t state they must be removed, it also does *not* indicate which permitting provisions and/or requirements supposedly apply (other than simply “needing a permit”). So, with the LDC not mentioning “shipping containers,” the OB phone call conflicting with the written notice, and the written notice actually providing no notice whatsoever as to which conditions supposedly must be satisfied before a permit is granted, OB cannot stretch the LDC to cover that which is not clearly and unequivocally articulated as being covered by such. Remember, regarding uncertainty on municipal power like this, ***doubt will be resolved against the City.***

C. Land Use Regulations Must Be Consistent and Follow State Law

In addition to the overregulation here leading to the literal impossibility of following all land use ordinances in OB, there are also due process issues. OB Ordinance 2019-41 recognizes that state law (Chapter 163, FL St) requires the LDC to “contain[] all land development regulations for the city,”¹³ OB fails to contain all land development regulations within the LDC. LDC Section 1-13(b) claims that “Enforcement of violations of the regulations shall be subject to the procedures

¹² Per Fl. St. 163.3164(26), “‘Land *development* regulations’ means ordinances enacted by governing bodies for the regulation of any aspect of *development* and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land.”

¹³ See *also* Fl. St. 163.3202(3). “These and all other such regulations shall be combined and compiled into a single land development code for the jurisdiction.”

established in the Code of Ordinances,” making enforcement of LDC requirements something *not* contained *within* the LDC. LDC Section 1-14(6)(a)(4) also declares that no “building permit shall be issued by the chief building official except in conformity with the following: (i) Building and construction regulations of the city’s Code of Ordinances;” AND “(ii) Provisions of this Land Development Code,” meaning OB has some unidentifiable “building and construction regulations *outside* of the LDC. More specifically, LDC 1-14(6)(b) asserts the LDC “is supplemental to the building and construction regulations of the city’s Code of Ordinances and any other related ordinances adopted by the city commission.”

But the manner in which OB attempts to create “land development regulations for the city” outside of the LDC doesn’t stop there. OB homeowners seeking building permits must also include any “items required by the building and code division” (although not identified anywhere within the LDC), “the building permit application checklist” (also not included within the LDC itself), and other unidentified “local and state regulations.” Under the Due Process Clause of the Fourteenth Amendment, the government may not enact laws that are so vague that they either fail to inform ordinary people as to what conduct is prohibited or invite arbitrary and discriminatory enforcement. Even ignoring all else, the inconsistencies and contradictions by the LDC, especially as it is now being applied to the Henrys, thus violates the Due Process Clause. Indeed, the Supreme “Court has long recognized that property regulations can be invalidated under the Due Process Clause.”¹⁴

1. Plain Contradictions For Things Like Utility Structures, etc

The OB LDC has multiple plain contradictions within its requirements. As such, this creates even more confusion and makes it impractical, if not impossible, for the average homeowner to comply, let alone easily, with all that OB is attempting to regulate. LDC Section 2-50(dd)(3) requires that “any utility structure/shed over one hundred fifty (150) square feet shall be considered a garage and must meet the principal building setbacks,” yet by definition in LDC Section 1-22, utility structures only include accessory structures that do “not exceed one hundred fifty (150) square feet.” Additionally, although state law requires cities to enact land development codes that are consistent with their comprehensive *plan*, the land development *code* is the only local *law*, and the only piece *enforceable as law*. However, LDC Section 1-03 claims that if “any provision of this Land Development Code is found inconsistent with the comprehensive plan, the comprehensive plan shall prevail.”

¹⁴ *Stop the Beach Ren v Fla Dept of Env Prot*, 560 US 702 (2010).

Teal Stars Indicate Permit, Paver / Parking, Shipping Container / Shed / Structure, or Fence Violations



Type		House #	Street [1]	Notes
Extensive Re...	Erected with no permit	7	Bayberry	January 2023
Extensive Re...	Erected with no permit	48	Byron Ellinor	2022 extensive remodel without permits (windows
Extensive Re...	Erected with no permit	14B	Byron Ellinor	2022 extensive remodel without permits
Extensive Re...	Erected with no permit	23B	Byron Ellinor	2022-2023 extensive remodeling with 20+ foot dur
Extensive Re...	Erected with no permit	31	Cypress Cir...	work on several windows
Extensive Re...	Erected with no permit	36	Cypress Cir...	2021-2022 extensive remodel without permits
Extensive Re...	Erected with no permit	479	Hollywood St	Jan - Feb 2023 new windows & doors installed
Extensive Re...	Erected with no permit	541	Pinewood St	extensive bathroom gutting/remodeling by JPM Ti
Extensive Re...	Erected with no permit	71	Rockefeller	extensive renovations Fall 2022- winter 2023
Extensive Re...	Erected with no permit	138	Rockefeller	2022 extensive remodel without permits
Extensive Re...	Erected with no permit	223	Rockefeller	2022 extensive remodel without permits
Extensive Re...	Erected with no permit	11	TOTAL	
Extensive Re...				
Extensive Re...		29	Rockefeller	entire structure dilapidated for years, with no city e
Fence	Dilapidated Fence	9	Bayberry	
Fence	Dilapidated Fence	28	Byron Ellinor	white 6' panels close to house
Fence	Dilapidated Fence	41	Byron Ellinor	
Fence	Dilapidated Fence	56	Byron Ellinor	east property line - in much worse condition after I
Fence	Dilapidated Fence	16A	Byron Ellinor	
Fence	Dilapidated Fence	19A	Byron Ellinor	
Fence	Dilapidated Fence	19B	Byron Ellinor	
Fence	Dilapidated Fence	22A	Byron Ellinor	
Fence	Dilapidated Fence	39B	Byron Ellinor	*OB Work Van parked here daily; broken white pic
Fence	Dilapidated Fence	6 1/2	Byron Ellinor	
Fence	Dilapidated Fence	8	Cypress Cir...	
Fence	Dilapidated Fence	24	Cypress Cir...	Parts not repaired in 2022 are still dilapidated
Fence	Dilapidated Fence	31	Cypress Cir...	
Fence	Dilapidated Fence	333	Halifax Dr	
Fence	Dilapidated Fence	336	Halifax Dr	
Fence	Dilapidated Fence	373	Halifax Dr	small red parts & East side fence as well
Fence	Dilapidated Fence	392	Halifax Dr	
Fence	Dilapidated Fence	431	Halifax Dr	
Fence	Dilapidated Fence	100	Magnolia Dr	
Fence	Dilapidated Fence	85	Ormond Pkwy	
Fence	Dilapidated Fence	104	Ormond Pkwy	
Fence	Dilapidated Fence	114	Ormond Pkwy	
Fence	Dilapidated Fence	124	Ormond Pkwy	south property line
Fence	Dilapidated Fence	155	Ormond Pkwy	
Fence	Dilapidated Fence	131	Ormond Sh...	
Fence	Dilapidated Fence	148	Ormond Sh...	
Fence	Dilapidated Fence	374	Pine Rd	
Fence	Dilapidated Fence	417	Pine Rd	
Fence	Dilapidated Fence	506	Pinewood St	broken vinyl fence
Fence	Dilapidated Fence	93	River Beac...	broken vinyl fence posts
Fence	Dilapidated Fence	111	River Beac...	
Fence	Dilapidated Fence	131	River Beac...	
Fence	Dilapidated Fence	232	River Beac...	graffiti on Southwest portion of fence
Fence	Dilapidated Fence	441	Riverside Dr	
Fence	Dilapidated Fence	17	Rockefeller	

Type		House #	Street [1]	Notes
Fence	Dilapidated Fence	29	Rockefeller	south
Fence	Dilapidated Fence	36	Rockefeller	
Fence	Dilapidated Fence	38	Rockefeller	
Fence	Dilapidated Fence	48	Rockefeller	
Fence	Dilapidated Fence	53	Rockefeller	
Fence	Dilapidated Fence	131	Rockefeller	fence panels ripped out with fence frame still in the
Fence	Dilapidated Fence	196	Rockefeller	
Fence	Dilapidated Fence	295	S Atlantic Ave	
Fence	Dilapidated Fence	432	S Atlantic Ave	
Fence	Dilapidated Fence	136	Valencia Dr	
Fence	Dilapidated Fence	205	Valencia Dr	
Fence	Dilapidated Fence	217	Valencia Dr	east property line
Fence	Dilapidated Fence	484	Wild Olive	
Fence	Dilapidated Fence	505	Wild Olive	vinyl fence leaning (possible hurricane damage)
Fence	Dilapidated Fence	49	TOTAL	
Fence	Erected with no permit	52	Byron Ellinor	replaced entire fence after Hurricane Ian with NO
Fence	Erected with no permit	24	Cypress Cir...	
Fence	Erected with no permit	503	Magnolia St	2023 January
Fence	Erected with no permit	31	Ormond Sh...	Erected 2023
Fence	Erected with no permit	196	Rockefeller	
Fence	Erected with no permit	361	S Atlantic Ave	Sellers of 924 Rollins
Fence	Erected with no permit	6	TOTAL	
Fence	Inverted Fence Frame	53	Rockefeller	
Fence	Inverted Fence Frame	136	Valencia Dr	
Fence	Inverted Fence Frame	2	TOTAL	
Fence	Wrong Height/Opacity	96	Arlington Way	hedges in front yard 6ft
Fence	Wrong Height/Opacity	115	Arlington Way	hedges in front yard along property line far over 3ft
Fence	Wrong Height/Opacity	124	Arlington Way	hedges in front yard 6ft
Fence	Wrong Height/Opacity	3	Cypress Cir...	6 ft fence panel separating 33a and 33b in the front
Fence	Wrong Height/Opacity	319	Halifax Dr	
Fence	Wrong Height/Opacity	145	Magnolia Dr	
Fence	Wrong Height/Opacity	204	Magnolia Dr	trees being used as a fence line in the front yard a
Fence	Wrong Height/Opacity	94	Ormond Pkwy	
Fence	Wrong Height/Opacity	145	Ormond Pkwy	
Fence	Wrong Height/Opacity	195	Ormond Pkwy	hedges spinning across the entire property frontage
Fence	Wrong Height/Opacity	441	Riverside Dr	
Fence	Wrong Height/Opacity	210	Valencia Dr	hedges that run the entire frontage of the property
Fence	Wrong Height/Opacity	12	TOTAL	
Pavers/Parking	Erected with no permit	52	Byron Ellinor	OB was onsite at least 4 times in 2022 for various
Pavers/Parking	Erected with no permit	1	TOTAL	
Pavers/Parking	Grass Driveway/Parking	140	Arlington Way	permanent boat parking in front yard
Pavers/Parking	Grass Driveway/Parking	146	Arlington Way	permanent car & motorhome storage on grass on
Pavers/Parking	Grass Driveway/Parking	180	Benjamin	permanent boat parking on grass
Pavers/Parking	Grass Driveway/Parking	1	Byron Ellinor	permanent vehicle parking on grass next to mailbox
Pavers/Parking	Grass Driveway/Parking	5	Byron Ellinor	daily vehicle parking in between two paved driveways

Type		House #	Street [1]	Notes
Pavers/Parking	Grass Driveway/Parking	9	Byron Ellinor	parking on the grass on the south side of the main
Pavers/Parking	Grass Driveway/Parking	10	Byron Ellinor	permanent grass parking next to paved driveway
Pavers/Parking	Grass Driveway/Parking	12	Byron Ellinor	permanent trailer parking on grass next to structure
Pavers/Parking	Grass Driveway/Parking	28	Byron Ellinor	OBPD cruiser permanent parking
Pavers/Parking	Grass Driveway/Parking	30	Byron Ellinor	regular grass parking observed
Pavers/Parking	Grass Driveway/Parking	31	Byron Ellinor	permanent on grass parking to the northwest of pa
Pavers/Parking	Grass Driveway/Parking	56	Byron Ellinor	east side of property
Pavers/Parking	Grass Driveway/Parking	14A	Byron Ellinor	permanent grass parking to the north of paved dri
Pavers/Parking	Grass Driveway/Parking	17A	Byron Ellinor	permanent boat parking West property edge
Pavers/Parking	Grass Driveway/Parking	17B	Byron Ellinor	permanent boat parking West property edge
Pavers/Parking	Grass Driveway/Parking	34B	Byron Ellinor	permanent grass parking west of paved driveway
Pavers/Parking	Grass Driveway/Parking	36B	Byron Ellinor	
Pavers/Parking	Grass Driveway/Parking	37B	Byron Ellinor	permanent grass parking to the east of paved driv
Pavers/Parking	Grass Driveway/Parking	39B	Byron Ellinor	*OB Work Van parked here daily; permanent gras
Pavers/Parking	Grass Driveway/Parking	8B	Byron Ellinor	permanent trailer parking on grass on South side o
Pavers/Parking	Grass Driveway/Parking	11	Cypress Cir...	permanent parking on grass to the east of driveway
Pavers/Parking	Grass Driveway/Parking	24	Cypress Cir...	permanent boat parking
Pavers/Parking	Grass Driveway/Parking	31	Cypress Cir...	permanent parking on front grass & trailer parking
Pavers/Parking	Grass Driveway/Parking	34	Cypress Cir...	vehicles permanently parked on grass next to both
Pavers/Parking	Grass Driveway/Parking	35	Cypress Cir...	daily parking in the grass north of structure
Pavers/Parking	Grass Driveway/Parking	36	Cypress Cir...	vehicles consistently parking in the grass
Pavers/Parking	Grass Driveway/Parking	30A	Cypress Cir...	permanent resident parking next to paved driveway
Pavers/Parking	Grass Driveway/Parking	30B	Cypress Cir...	permanent resident parking next to paved driveway
Pavers/Parking	Grass Driveway/Parking	32A	Cypress Cir...	permanent resident parking next to paved driveway
Pavers/Parking	Grass Driveway/Parking	5A	Cypress Cir...	permanent parking next to paved driveway
Pavers/Parking	Grass Driveway/Parking	15	Fluhart Dr	grass driveway leading to cement pad
Pavers/Parking	Grass Driveway/Parking	475	Grandview ...	little red cars always parked in the grass not in the
Pavers/Parking	Grass Driveway/Parking	491	Grandview ...	
Pavers/Parking	Grass Driveway/Parking	506	Grandview ...	
Pavers/Parking	Grass Driveway/Parking	285	Halifax Dr	permanent grass parking north of accessory struc
Pavers/Parking	Grass Driveway/Parking	374	Halifax Dr	dirt driveway extension
Pavers/Parking	Grass Driveway/Parking	374	Halifax Dr	permanent parking in between to paved driveways
Pavers/Parking	Grass Driveway/Parking	386	Halifax Dr	permanent grass parking on both sides of paved c
Pavers/Parking	Grass Driveway/Parking	391	Halifax Dr	driveway extension
Pavers/Parking	Grass Driveway/Parking	402	Halifax Dr	permanent vehicle parking on both sides of paved
Pavers/Parking	Grass Driveway/Parking	412	Halifax Dr	permanent vehicle parking north of second drivew
Pavers/Parking	Grass Driveway/Parking	468	Halifax Dr	permanent boat parking on South grass next to ga
Pavers/Parking	Grass Driveway/Parking	506	Hollywood St	several cars permanently parked on south propert
Pavers/Parking	Grass Driveway/Parking	95	Magnolia Dr	permanent grass parking next to poured concrete
Pavers/Parking	Grass Driveway/Parking	96	Magnolia Dr	permanent grass parking for multiple vehicles in b
Pavers/Parking	Grass Driveway/Parking	100	Magnolia Dr	
Pavers/Parking	Grass Driveway/Parking	123	Magnolia Dr	
Pavers/Parking	Grass Driveway/Parking	164	Magnolia Dr	grass parking area next to poured driveway
Pavers/Parking	Grass Driveway/Parking	190	Magnolia Dr	permanent motorhome parking on East side prop
Pavers/Parking	Grass Driveway/Parking	473	Magnolia St	permanent camper parking
Pavers/Parking	Grass Driveway/Parking	491	Magnolia St	"state law enforcement" silver truck permanent pa
Pavers/Parking	Grass Driveway/Parking	148	Ormond Sh...	several vehicles parked on both sides of the stree
Pavers/Parking	Grass Driveway/Parking	374	Pine Rd	driveway extension
Pavers/Parking	Grass Driveway/Parking	384	Pine Rd	regularly at least five vehicles parked on unappro
Pavers/Parking	Grass Driveway/Parking	391	Pine Rd	permanent parking on far north side next to garag

Type		House #	Street [1]	Notes
Pavers/Parking	Grass Driveway/Parking	404	Pine Rd	driveway extension
Pavers/Parking	Grass Driveway/Parking	418	Pine Rd	permanent grass parking for a black vehicle on Sc
Pavers/Parking	Grass Driveway/Parking	431	Pine Rd	permanent grass driveway next to paved driveway
Pavers/Parking	Grass Driveway/Parking	411A	Pine Rd	driveway extension & boat parking
Pavers/Parking	Grass Driveway/Parking	496	Pinewood St	permanent RV parking on grass behind fence
Pavers/Parking	Grass Driveway/Parking	30	River Beac...	
Pavers/Parking	Grass Driveway/Parking	134	River Beac...	Boat and trailer parking on unpaid surface
Pavers/Parking	Grass Driveway/Parking	141	River Beac...	Long-term parking on unpaved surfaces
Pavers/Parking	Grass Driveway/Parking	236	River Beac...	permanent boat parking on South property line
Pavers/Parking	Grass Driveway/Parking	242	River Beac...	permanent boat parking at East property line
Pavers/Parking	Grass Driveway/Parking	410	Riverside Dr	permanent boat trailer parking on grass
Pavers/Parking	Grass Driveway/Parking	541	Riverside Dr	
Pavers/Parking	Grass Driveway/Parking	17	Rockefeller	
Pavers/Parking	Grass Driveway/Parking	24	Rockefeller	grass driveway on the far west side of the property
Pavers/Parking	Grass Driveway/Parking	41	Rockefeller	permanent parking area on the grass on the west
Pavers/Parking	Grass Driveway/Parking	115	Rockefeller	permanent boat parking off to the side of the main
Pavers/Parking	Grass Driveway/Parking	118	Rockefeller	permanent grass parking next to driveway & perm
Pavers/Parking	Grass Driveway/Parking	126	Rockefeller	permanent grass parking next to driveway
Pavers/Parking	Grass Driveway/Parking	143	Rockefeller	parking areas off Bayberry Court
Pavers/Parking	Grass Driveway/Parking	146	Rockefeller	permanent boat parking on East grass
Pavers/Parking	Grass Driveway/Parking	178	Rockefeller	motorhome and at least two colors are permanent
Pavers/Parking	Grass Driveway/Parking	212	Rockefeller	permanent parking area on the grass next to the C
Pavers/Parking	Grass Driveway/Parking	215	Rockefeller	permanent grass parking area in addition to paved
Pavers/Parking	Grass Driveway/Parking	223	Rockefeller	5 cars on front lawn with no paved driveway
Pavers/Parking	Grass Driveway/Parking	223	Rockefeller	
Pavers/Parking	Grass Driveway/Parking	553	S Atlantic Ave	permanent trailer parking on North side of luck
Pavers/Parking	Grass Driveway/Parking	553	S Atlantic Ave	permanent boat parking on South side of lot
Pavers/Parking	Grass Driveway/Parking	173	S Beach St	dirt/grass driveway and parking area - City Attorne
Pavers/Parking	Grass Driveway/Parking	97	Valencia Dr	
Pavers/Parking	Grass Driveway/Parking	106	Valencia Dr	parking area extension west of poured driveway
Pavers/Parking	Grass Driveway/Parking	110	Valencia Dr	permanent vehicle parking over grass and sidewa
Pavers/Parking	Grass Driveway/Parking	118	Valencia Dr	permanent vehicle parking over grass and sidewa
Pavers/Parking	Grass Driveway/Parking	169	Valencia Dr	permanent driveway and parking for motorhome
Pavers/Parking	Grass Driveway/Parking	172	Valencia Dr	permanent parking on grass south of poured conc
Pavers/Parking	Grass Driveway/Parking	188	Valencia Dr	permanent trailer parking on east side of property
Pavers/Parking	Grass Driveway/Parking	210	Valencia Dr	main driveway extending the entire north south le
Pavers/Parking	Grass Driveway/Parking	496	Wild Olive	permanent trailer parking
Pavers/Parking	Grass Driveway/Parking	92	TOTAL	
Pavers/Parking	Mulch Driveway/Parking	496	Grandview ...	2 large parking areas
Pavers/Parking	Mulch Driveway/Parking	77	Ormond Sh...	
Pavers/Parking	Mulch Driveway/Parking	137	Ormond Sh...	
Pavers/Parking	Mulch Driveway/Parking	210	Valencia Dr	Maine parking area by secondary structure
Pavers/Parking	Mulch Driveway/Parking	4	TOTAL	
Pavers/Parking	On Property Line	124	Arlington Way	Stone driveway extensions at property line
Pavers/Parking	On Property Line	127	Arlington Way	
Pavers/Parking	On Property Line	146	Arlington Way	
Pavers/Parking	On Property Line	154	Arlington Way	
Pavers/Parking	On Property Line	169	Arlington Way	

Type		House #	Street [1]	Notes
Pavers/Parking	On Property Line	175	Arlington Way	
Pavers/Parking	On Property Line	213	Arlington Way	
Pavers/Parking	On Property Line	216	Arlington Way	
Pavers/Parking	On Property Line	221	Arlington Way	
Pavers/Parking	On Property Line	223	Arlington Way	
Pavers/Parking	On Property Line	224	Arlington Way	
Pavers/Parking	On Property Line	232	Arlington Way	
Pavers/Parking	On Property Line	242	Arlington Way	West property line
Pavers/Parking	On Property Line	242	Arlington Way	East property line
Pavers/Parking	On Property Line	1	Bayberry	
Pavers/Parking	On Property Line	3	Bayberry	
Pavers/Parking	On Property Line	52	Byron Ellinor	driveway runs the entire south property line
Pavers/Parking	On Property Line	52	Byron Ellinor	cement pad along north property line
Pavers/Parking	On Property Line	52	Byron Ellinor	stone parking area along NE property line
Pavers/Parking	On Property Line	16A	Byron Ellinor	
Pavers/Parking	On Property Line	17B	Byron Ellinor	
Pavers/Parking	On Property Line	19A	Byron Ellinor	
Pavers/Parking	On Property Line	19B	Byron Ellinor	
Pavers/Parking	On Property Line	36A	Byron Ellinor	cement pad on far south property line
Pavers/Parking	On Property Line	475	Cedar Street	East property line
Pavers/Parking	On Property Line	475	Cedar Street	south property line
Pavers/Parking	On Property Line	487	Cedar Street	North property line
Pavers/Parking	On Property Line	19	Cypress Cir...	
Pavers/Parking	On Property Line	21	Cypress Cir...	
Pavers/Parking	On Property Line	26	Cypress Cir...	west side
Pavers/Parking	On Property Line	28	Cypress Cir...	
Pavers/Parking	On Property Line	15	Fluhart Dr	cement pad or vehicle is parked under a canopy o
Pavers/Parking	On Property Line	485	Grandview ...	
Pavers/Parking	On Property Line	491	Grandview ...	long concrete driveway all done property line as w
Pavers/Parking	On Property Line	507	Grandview ...	
Pavers/Parking	On Property Line	392	Halifax Dr	north property line
Pavers/Parking	On Property Line	431	Halifax Dr	south property line
Pavers/Parking	On Property Line	464	Hollywood St	
Pavers/Parking	On Property Line	476	Hollywood St	
Pavers/Parking	On Property Line	479	Hollywood St	
Pavers/Parking	On Property Line	480	Hollywood St	
Pavers/Parking	On Property Line	99	Magnolia Dr	
Pavers/Parking	On Property Line	129	Magnolia Dr	
Pavers/Parking	On Property Line	130	Magnolia Dr	*VC council member (back yard pavers)
Pavers/Parking	On Property Line	135	Magnolia Dr	permits were issued for pavers which did not com
Pavers/Parking	On Property Line	135	Magnolia Dr	
Pavers/Parking	On Property Line	135	Magnolia Dr	
Pavers/Parking	On Property Line	136	Magnolia Dr	West property line
Pavers/Parking	On Property Line	136	Magnolia Dr	south property line
Pavers/Parking	On Property Line	136	Magnolia Dr	east property line around pool structure
Pavers/Parking	On Property Line	142	Magnolia Dr	
Pavers/Parking	On Property Line	164	Magnolia Dr	West property line behind fence
Pavers/Parking	On Property Line	187	Magnolia Dr	North property line
Pavers/Parking	On Property Line	190	Magnolia Dr	poured concrete around pool
Pavers/Parking	On Property Line	18	Ormond Pkwy	West property line

Type		House #	Street [1]	Notes
Pavers/Parking	On Property Line	19	Ormond Pkwy	north property line
Pavers/Parking	On Property Line	105	Ormond Pkwy	east side
Pavers/Parking	On Property Line	125	Ormond Pkwy	East side
Pavers/Parking	On Property Line	135	Ormond Pkwy	
Pavers/Parking	On Property Line	144	Ormond Pkwy	
Pavers/Parking	On Property Line	145	Ormond Pkwy	
Pavers/Parking	On Property Line	154	Ormond Pkwy	
Pavers/Parking	On Property Line	155	Ormond Pkwy	
Pavers/Parking	On Property Line	165	Ormond Pkwy	around shed
Pavers/Parking	On Property Line	174	Ormond Pkwy	
Pavers/Parking	On Property Line	194	Ormond Pkwy	
Pavers/Parking	On Property Line	27	Ormond Sh...	
Pavers/Parking	On Property Line	31	Ormond Sh...	
Pavers/Parking	On Property Line	101	Ormond Sh...	West property line
Pavers/Parking	On Property Line	384	Pine Rd	paved driveway on south side
Pavers/Parking	On Property Line	394	Pine Rd	cement pad on south side
Pavers/Parking	On Property Line	394	Pine Rd	poured driveway on north side
Pavers/Parking	On Property Line	483	Pinewood St	
Pavers/Parking	On Property Line	486	Pinewood St	
Pavers/Parking	On Property Line	496	Pinewood St	
Pavers/Parking	On Property Line	48	River Beac...	
Pavers/Parking	On Property Line	55	River Beac...	
Pavers/Parking	On Property Line	73	River Beac...	north property line
Pavers/Parking	On Property Line	152	River Beac...	poured concrete on East property line
Pavers/Parking	On Property Line	152	River Beac...	poured concrete on West property line
Pavers/Parking	On Property Line	178	River Beac...	poured concrete running entire length of West pro
Pavers/Parking	On Property Line	178	River Beac...	south property line
Pavers/Parking	On Property Line	226	River Beac...	poured concrete all along West property line in ba
Pavers/Parking	On Property Line	232	River Beac...	East property line
Pavers/Parking	On Property Line	232	River Beac...	West property line
Pavers/Parking	On Property Line	236	River Beac...	East property line
Pavers/Parking	On Property Line	236	River Beac...	West property line
Pavers/Parking	On Property Line	237	River Beac...	West property line
Pavers/Parking	On Property Line	237	River Beac...	North property line
Pavers/Parking	On Property Line	237	River Beac...	East property line
Pavers/Parking	On Property Line	242	River Beac...	East property line
Pavers/Parking	On Property Line	242	River Beac...	West property line
Pavers/Parking	On Property Line	300	Riverside Dr	south property line
Pavers/Parking	On Property Line	303	Riverside Dr	south property line
Pavers/Parking	On Property Line	303	Riverside Dr	North Property line
Pavers/Parking	On Property Line	306	Riverside Dr	north Property line
Pavers/Parking	On Property Line	372	Riverside Dr	south property line turn around area
Pavers/Parking	On Property Line	373	Riverside Dr	
Pavers/Parking	On Property Line	410	Riverside Dr	curved driveway on South side of the property
Pavers/Parking	On Property Line	468	Riverside Dr	north property line
Pavers/Parking	On Property Line	468	Riverside Dr	south property line
Pavers/Parking	On Property Line	483	Riverside Dr	south property line
Pavers/Parking	On Property Line	489	Riverside Dr	north property line
Pavers/Parking	On Property Line	489	Riverside Dr	south property line
Pavers/Parking	On Property Line	497	Riverside Dr	north property line

Type		House #	Street [1]	Notes
Pavers/Parking	On Property Line	510	Riverside Dr	
Pavers/Parking	On Property Line	553	Riverside Dr	
Pavers/Parking	On Property Line	48	Rockefeller	
Pavers/Parking	On Property Line	131	Rockefeller	
Pavers/Parking	On Property Line	204	Rockefeller	west property line
Pavers/Parking	On Property Line	250	S Atlantic Ave	
Pavers/Parking	On Property Line	281	S Atlantic Ave	South property line
Pavers/Parking	On Property Line	281	S Atlantic Ave	North property line
Pavers/Parking	On Property Line	295	S Atlantic Ave	north west corner
Pavers/Parking	On Property Line	295	S Atlantic Ave	entire south property line
Pavers/Parking	On Property Line	330	S Atlantic Ave	north property line
Pavers/Parking	On Property Line	330	S Atlantic Ave	west property line
Pavers/Parking	On Property Line	333	S Atlantic Ave	
Pavers/Parking	On Property Line	335	S Atlantic Ave	
Pavers/Parking	On Property Line	342	S Atlantic Ave	south property line
Pavers/Parking	On Property Line	342	S Atlantic Ave	West property line
Pavers/Parking	On Property Line	345	S Atlantic Ave	North property line
Pavers/Parking	On Property Line	345	S Atlantic Ave	
Pavers/Parking	On Property Line	353	S Atlantic Ave	South property line
Pavers/Parking	On Property Line	353	S Atlantic Ave	North property line
Pavers/Parking	On Property Line	361	S Atlantic Ave	North property line
Pavers/Parking	On Property Line	361	S Atlantic Ave	South property line
Pavers/Parking	On Property Line	374	S Atlantic Ave	South property line
Pavers/Parking	On Property Line	374	S Atlantic Ave	North property line
Pavers/Parking	On Property Line	375	S Atlantic Ave	south property line
Pavers/Parking	On Property Line	385	S Atlantic Ave	north property line
Pavers/Parking	On Property Line	395	S Atlantic Ave	south property line
Pavers/Parking	On Property Line	432	S Atlantic Ave	South property line
Pavers/Parking	On Property Line	432	S Atlantic Ave	West property line
Pavers/Parking	On Property Line	433	S Atlantic Ave	
Pavers/Parking	On Property Line	445	S Atlantic Ave	
Pavers/Parking	On Property Line	453	S Atlantic Ave	North property line
Pavers/Parking	On Property Line	453	S Atlantic Ave	South property line
Pavers/Parking	On Property Line	484	S Atlantic Ave	North property line
Pavers/Parking	On Property Line	484	S Atlantic Ave	South property line
Pavers/Parking	On Property Line	485	S Atlantic Ave	North property line
Pavers/Parking	On Property Line	490	S Atlantic Ave	West property line
Pavers/Parking	On Property Line	490	S Atlantic Ave	North property line
Pavers/Parking	On Property Line	505	S Atlantic Ave	North property line
Pavers/Parking	On Property Line	505	S Atlantic Ave	South property line
Pavers/Parking	On Property Line	507	S Atlantic Ave	South property line
Pavers/Parking	On Property Line	520	S Atlantic Ave	old OBPD building
Pavers/Parking	On Property Line	533	S Atlantic Ave	
Pavers/Parking	On Property Line	539	S Atlantic Ave	
Pavers/Parking	On Property Line	541	S Atlantic Ave	North property line
Pavers/Parking	On Property Line	541	S Atlantic Ave	South property line
Pavers/Parking	On Property Line	550	S Atlantic Ave	South property line
Pavers/Parking	On Property Line	550	S Atlantic Ave	North property line
Pavers/Parking	On Property Line	550	S Atlantic Ave	East property line
Pavers/Parking	On Property Line	550	S Atlantic Ave	West property line

Type		House #	Street [1]	Notes
Pavers/Parking	On Property Line	106	Valencia Dr	
Pavers/Parking	On Property Line	126	Valencia Dr	
Pavers/Parking	On Property Line	130	Valencia Dr	east property line
Pavers/Parking	On Property Line	160	Valencia Dr	west property line
Pavers/Parking	On Property Line	205	Valencia Dr	
Pavers/Parking	On Property Line	215	Valencia Dr	
Pavers/Parking	On Property Line	496	Wild Olive	
Pavers/Parking	On Property Line	162	TOTAL	
Pavers/Parking	Stone Driveway/Parking	83	Arlington Way	
Pavers/Parking	Stone Driveway/Parking	96	Arlington Way	permanent boat parking
Pavers/Parking	Stone Driveway/Parking	124	Arlington Way	
Pavers/Parking	Stone Driveway/Parking	170	Arlington Way	additional parking area burning the entire frontage
Pavers/Parking	Stone Driveway/Parking	175	Arlington Way	
Pavers/Parking	Stone Driveway/Parking	213	Arlington Way	
Pavers/Parking	Stone Driveway/Parking	216	Arlington Way	
Pavers/Parking	Stone Driveway/Parking	220	Arlington Way	
Pavers/Parking	Stone Driveway/Parking	221	Arlington Way	
Pavers/Parking	Stone Driveway/Parking	224	Arlington Way	
Pavers/Parking	Stone Driveway/Parking	1	Bayberry	end of the driveway is gravel
Pavers/Parking	Stone Driveway/Parking	3	Bayberry	end of the driveway is gravel
Pavers/Parking	Stone Driveway/Parking	5	Bayberry	end of the driveway is gravel
Pavers/Parking	Stone Driveway/Parking	7	Bayberry	end of the driveway is gravel
Pavers/Parking	Stone Driveway/Parking	9	Bayberry	end of the driveway is gravel
Pavers/Parking	Stone Driveway/Parking	29	Byron Ellinor	
Pavers/Parking	Stone Driveway/Parking	52	Byron Ellinor	
Pavers/Parking	Stone Driveway/Parking	6 1/2	Byron Ellinor	driveway
Pavers/Parking	Stone Driveway/Parking	455	Cedar Street	60 ft + gravel parking area
Pavers/Parking	Stone Driveway/Parking	503	Cedar Street	Long, circular Pebble driveway at 503 cedar withir
Pavers/Parking	Stone Driveway/Parking	506	Cedar Street	
Pavers/Parking	Stone Driveway/Parking	481	Grandview ...	
Pavers/Parking	Stone Driveway/Parking	373	Halifax Dr	
Pavers/Parking	Stone Driveway/Parking	431	Halifax Dr	
Pavers/Parking	Stone Driveway/Parking	480	Hollywood St	
Pavers/Parking	Stone Driveway/Parking	491	Magnolia St	
Pavers/Parking	Stone Driveway/Parking	94	Ormond Pkwy	
Pavers/Parking	Stone Driveway/Parking	95	Ormond Pkwy	
Pavers/Parking	Stone Driveway/Parking	204	Ormond Pkwy	
Pavers/Parking	Stone Driveway/Parking	19	Ormond Sh...	Pebbled parking area
Pavers/Parking	Stone Driveway/Parking	36	Ormond Sh...	
Pavers/Parking	Stone Driveway/Parking	67	Ormond Sh...	
Pavers/Parking	Stone Driveway/Parking	67	Ormond Sh...	
Pavers/Parking	Stone Driveway/Parking	101	Ormond Sh...	Gravel parking area for 65 ft+
Pavers/Parking	Stone Driveway/Parking	373	Pine Rd	
Pavers/Parking	Stone Driveway/Parking	383	Pine Rd	
Pavers/Parking	Stone Driveway/Parking	391	Pine Rd	
Pavers/Parking	Stone Driveway/Parking	425	Pine Rd	driveway extension
Pavers/Parking	Stone Driveway/Parking	435	Pine Rd	
Pavers/Parking	Stone Driveway/Parking	411B	Pine Rd	entire parking area
Pavers/Parking	Stone Driveway/Parking	486	Pinewood St	

Type		House #	Street [1]	Notes
Pavers/Parking	Stone Driveway/Parking	16	River Beac...	Large pebbled extended parking area at second b
Pavers/Parking	Stone Driveway/Parking	24	River Beac...	Pebbled driveway extension
Pavers/Parking	Stone Driveway/Parking	92	River Beac...	
Pavers/Parking	Stone Driveway/Parking	105	River Beac...	on driveway off Pinewood
Pavers/Parking	Stone Driveway/Parking	111	River Beac...	
Pavers/Parking	Stone Driveway/Parking	131	River Beac...	
Pavers/Parking	Stone Driveway/Parking	400	Riverside Dr	
Pavers/Parking	Stone Driveway/Parking	441	Riverside Dr	east side of property
Pavers/Parking	Stone Driveway/Parking	441	Riverside Dr	west side of property
Pavers/Parking	Stone Driveway/Parking	468	Riverside Dr	
Pavers/Parking	Stone Driveway/Parking	530	Riverside Dr	Long, U-shaped pebbled driveway
Pavers/Parking	Stone Driveway/Parking	544	Riverside Dr	Long, U-shaped pebbled driveway
Pavers/Parking	Stone Driveway/Parking	29	Rockefeller	gravel driveway extension
Pavers/Parking	Stone Driveway/Parking	169	Rockefeller	end of the driveway is gravel
Pavers/Parking	Stone Driveway/Parking	88	Valencia Dr	Stone driveway extension
Pavers/Parking	Stone Driveway/Parking	110	Valencia Dr	
Pavers/Parking	Stone Driveway/Parking	130	Valencia Dr	
Pavers/Parking	Stone Driveway/Parking	169	Valencia Dr	
Pavers/Parking	Stone Driveway/Parking	495	Wild Olive	
Pavers/Parking	Stone Driveway/Parking	60	TOTAL	
Pavers/Parking	Within 7.5 ft	83	Arlington Way	West property line
Pavers/Parking	Within 7.5 ft	83	Arlington Way	East property line, behind fence
Pavers/Parking	Within 7.5 ft	96	Arlington Way	permanent boat parking
Pavers/Parking	Within 7.5 ft	118	Arlington Way	
Pavers/Parking	Within 7.5 ft	119	Arlington Way	
Pavers/Parking	Within 7.5 ft	123	Arlington Way	
Pavers/Parking	Within 7.5 ft	139	Arlington Way	
Pavers/Parking	Within 7.5 ft	145	Arlington Way	
Pavers/Parking	Within 7.5 ft	170	Arlington Way	
Pavers/Parking	Within 7.5 ft	223	Arlington Way	East property line
Pavers/Parking	Within 7.5 ft	225	Arlington Way	
Pavers/Parking	Within 7.5 ft	225	Arlington Way	East property line
Pavers/Parking	Within 7.5 ft	227	Arlington Way	
Pavers/Parking	Within 7.5 ft	228	Arlington Way	
Pavers/Parking	Within 7.5 ft	7	Bayberry	
Pavers/Parking	Within 7.5 ft	9	Bayberry	
Pavers/Parking	Within 7.5 ft	31	Byron Ellinor	large cement pad in backyard runs along North pr
Pavers/Parking	Within 7.5 ft	37A	Byron Ellinor	
Pavers/Parking	Within 7.5 ft	465	Cedar Street	
Pavers/Parking	Within 7.5 ft	486	Cedar Street	
Pavers/Parking	Within 7.5 ft	487	Cedar Street	south property line - front and back yard
Pavers/Parking	Within 7.5 ft	493	Cedar Street	
Pavers/Parking	Within 7.5 ft	496	Cedar Street	
Pavers/Parking	Within 7.5 ft	503	Cedar Street	Long, circular Pebble driveway at 503 cedar within
Pavers/Parking	Within 7.5 ft	2	Cypress Cir...	south property line
Pavers/Parking	Within 7.5 ft	24	Cypress Cir...	
Pavers/Parking	Within 7.5 ft	26	Cypress Cir...	east side
Pavers/Parking	Within 7.5 ft	28	Cypress Cir...	
Pavers/Parking	Within 7.5 ft	30	Cypress Cir...	

Type		House #	Street [1]	Notes
Pavers/Parking	Within 7.5 ft	468	Grandview ...	second pavers parking location right behind fence
Pavers/Parking	Within 7.5 ft	497	Grandview ...	entire yard is either paved concrete, papers, or St
Pavers/Parking	Within 7.5 ft	503	Grandview ...	
Pavers/Parking	Within 7.5 ft	241	Halifax Dr	backyard
Pavers/Parking	Within 7.5 ft	251	Halifax Dr	on East property line
Pavers/Parking	Within 7.5 ft	285	Halifax Dr	
Pavers/Parking	Within 7.5 ft	305	Halifax Dr	
Pavers/Parking	Within 7.5 ft	315	Halifax Dr	
Pavers/Parking	Within 7.5 ft	327	Halifax Dr	paved turnaround area
Pavers/Parking	Within 7.5 ft	353	Halifax Dr	
Pavers/Parking	Within 7.5 ft	363	Halifax Dr	
Pavers/Parking	Within 7.5 ft	473	Halifax Dr	winding driveway south side
Pavers/Parking	Within 7.5 ft	483	Halifax Dr	permanent poured concrete trailer parking
Pavers/Parking	Within 7.5 ft	488	Halifax Dr	
Pavers/Parking	Within 7.5 ft	503	Halifax Dr	
Pavers/Parking	Within 7.5 ft	504	Halifax Dr	
Pavers/Parking	Within 7.5 ft	488	Hollywood St	on south property line behind fence
Pavers/Parking	Within 7.5 ft	100	Magnolia Dr	SW property corner
Pavers/Parking	Within 7.5 ft	120	Magnolia Dr	
Pavers/Parking	Within 7.5 ft	130	Magnolia Dr	*VC council member
Pavers/Parking	Within 7.5 ft	156	Magnolia Dr	
Pavers/Parking	Within 7.5 ft	187	Magnolia Dr	west property line driveway
Pavers/Parking	Within 7.5 ft	187	Magnolia Dr	East property line driveway
Pavers/Parking	Within 7.5 ft	190	Magnolia Dr	concrete driveway
Pavers/Parking	Within 7.5 ft	194	Magnolia Dr	
Pavers/Parking	Within 7.5 ft	194	Magnolia Dr	backyard
Pavers/Parking	Within 7.5 ft	198	Magnolia Dr	front driveway
Pavers/Parking	Within 7.5 ft	467	Magnolia St	
Pavers/Parking	Within 7.5 ft	468	Magnolia St	
Pavers/Parking	Within 7.5 ft	473	Magnolia St	
Pavers/Parking	Within 7.5 ft	476	Magnolia St	both parts of circle driveway
Pavers/Parking	Within 7.5 ft	19	Ormond Pkwy	West property line
Pavers/Parking	Within 7.5 ft	22	Ormond Pkwy	East property line
Pavers/Parking	Within 7.5 ft	104	Ormond Pkwy	east side
Pavers/Parking	Within 7.5 ft	115	Ormond Pkwy	East side
Pavers/Parking	Within 7.5 ft	124	Ormond Pkwy	
Pavers/Parking	Within 7.5 ft	125	Ormond Pkwy	West side
Pavers/Parking	Within 7.5 ft	164	Ormond Pkwy	west property line
Pavers/Parking	Within 7.5 ft	164	Ormond Pkwy	south property line
Pavers/Parking	Within 7.5 ft	185	Ormond Pkwy	
Pavers/Parking	Within 7.5 ft	67	Ormond Sh...	
Pavers/Parking	Within 7.5 ft	123	Ormond Sh...	poured cement up to property line throughout bac
Pavers/Parking	Within 7.5 ft	137	Ormond Sh...	West property line - next to main structure
Pavers/Parking	Within 7.5 ft	417	Pine Rd	
Pavers/Parking	Within 7.5 ft	470	Pinewood St	
Pavers/Parking	Within 7.5 ft	479	Pinewood St	
Pavers/Parking	Within 7.5 ft	489	Pinewood St	
Pavers/Parking	Within 7.5 ft	24	River Beac...	
Pavers/Parking	Within 7.5 ft	66	River Beac...	
Pavers/Parking	Within 7.5 ft	126	River Beac...	

Type		House #	Street [1]	Notes
Pavers/Parking	Within 7.5 ft	134	River Beac...	
Pavers/Parking	Within 7.5 ft	160	River Beac...	
Pavers/Parking	Within 7.5 ft	199	River Beac...	
Pavers/Parking	Within 7.5 ft	209	River Beac...	
Pavers/Parking	Within 7.5 ft	275	Riverside Dr	North Property line
Pavers/Parking	Within 7.5 ft	340	Riverside Dr	north Property line
Pavers/Parking	Within 7.5 ft	340	Riverside Dr	south property line
Pavers/Parking	Within 7.5 ft	383	Riverside Dr	driveway north of main structure
Pavers/Parking	Within 7.5 ft	383	Riverside Dr	south property line
Pavers/Parking	Within 7.5 ft	403	Riverside Dr	poured driveway extension next to main structure
Pavers/Parking	Within 7.5 ft	403	Riverside Dr	Southside of property line curved driveway
Pavers/Parking	Within 7.5 ft	410	Riverside Dr	north property line
Pavers/Parking	Within 7.5 ft	420	Riverside Dr	
Pavers/Parking	Within 7.5 ft	430	Riverside Dr	
Pavers/Parking	Within 7.5 ft	444	Riverside Dr	
Pavers/Parking	Within 7.5 ft	448	Riverside Dr	north property line
Pavers/Parking	Within 7.5 ft	462	Riverside Dr	North property line
Pavers/Parking	Within 7.5 ft	462	Riverside Dr	south property line
Pavers/Parking	Within 7.5 ft	482	Riverside Dr	north property line
Pavers/Parking	Within 7.5 ft	483	Riverside Dr	north property line
Pavers/Parking	Within 7.5 ft	497	Riverside Dr	south property line
Pavers/Parking	Within 7.5 ft	505	Riverside Dr	north property line
Pavers/Parking	Within 7.5 ft	505	Riverside Dr	south property line
Pavers/Parking	Within 7.5 ft	518	Riverside Dr	
Pavers/Parking	Within 7.5 ft	524	Riverside Dr	
Pavers/Parking	Within 7.5 ft	530	Riverside Dr	
Pavers/Parking	Within 7.5 ft	544	Riverside Dr	north property line
Pavers/Parking	Within 7.5 ft	53	Rockefeller	
Pavers/Parking	Within 7.5 ft	80	Rockefeller	
Pavers/Parking	Within 7.5 ft	90	Rockefeller	
Pavers/Parking	Within 7.5 ft	106	Rockefeller	
Pavers/Parking	Within 7.5 ft	138	Rockefeller	
Pavers/Parking	Within 7.5 ft	146	Rockefeller	
Pavers/Parking	Within 7.5 ft	204	Rockefeller	south property line
Pavers/Parking	Within 7.5 ft	371	S Atlantic Ave	main parking area next to main structure
Pavers/Parking	Within 7.5 ft	373	S Atlantic Ave	
Pavers/Parking	Within 7.5 ft	375	S Atlantic Ave	north property line
Pavers/Parking	Within 7.5 ft	378	S Atlantic Ave	
Pavers/Parking	Within 7.5 ft	385	S Atlantic Ave	south property line
Pavers/Parking	Within 7.5 ft	403	S Atlantic Ave	south property line - middle of property
Pavers/Parking	Within 7.5 ft	405	S Atlantic Ave	
Pavers/Parking	Within 7.5 ft	432	S Atlantic Ave	North property line
Pavers/Parking	Within 7.5 ft	432	S Atlantic Ave	East property line
Pavers/Parking	Within 7.5 ft	460	S Atlantic Ave	west property line
Pavers/Parking	Within 7.5 ft	470	S Atlantic Ave	
Pavers/Parking	Within 7.5 ft	485	S Atlantic Ave	South property line
Pavers/Parking	Within 7.5 ft	507	S Atlantic Ave	north property line
Pavers/Parking	Within 7.5 ft	543	S Atlantic Ave	north property line
Pavers/Parking	Within 7.5 ft	543	S Atlantic Ave	West property line
Pavers/Parking	Within 7.5 ft	545	S Atlantic Ave	north property line

Type		House #	Street [1]	Notes
Pavers/Parking	Within 7.5 ft	545	S Atlantic Ave	south property line
Pavers/Parking	Within 7.5 ft	553	S Atlantic Ave	south side of lot
Pavers/Parking	Within 7.5 ft	130	Valencia Dr	west property line
Pavers/Parking	Within 7.5 ft	175	Valencia Dr	
Pavers/Parking	Within 7.5 ft	188	Valencia Dr	
Pavers/Parking	Within 7.5 ft	217	Valencia Dr	
Pavers/Parking	Within 7.5 ft	465	Wild Olive	
Pavers/Parking	Within 7.5 ft	466	Wild Olive	
Pavers/Parking	Within 7.5 ft	472	Wild Olive	
Pavers/Parking	Within 7.5 ft	481	Wild Olive	
Pavers/Parking	Within 7.5 ft	139	TOTAL	
Shed/Structure	Erected with no permit	34	Cypress Cir...	shed recently installed with no permit, subsequently
Shed/Structure	Erected with no permit	36	Cypress Cir...	shed erected 2022 with no permit, subsequently de
Shed/Structure	Erected with no permit	180	Benjamin	2 shipping containers
Shed/Structure	Erected with no permit	470	S Atlantic Ave	2 x 20ft containers since before 2021
Shed/Structure	Erected with no permit	54	Seton Trail	City Park property with Pods container for over 1 y
Shed/Structure	Erected with no permit	5	TOTAL	
Shed/Structure	On Property Line	118	Arlington Way	
Shed/Structure	On Property Line	121	Arlington Way	accessory structure
Shed/Structure	On Property Line	124	Arlington Way	
Shed/Structure	On Property Line	127	Arlington Way	accessory structure
Shed/Structure	On Property Line	146	Arlington Way	garage
Shed/Structure	On Property Line	154	Arlington Way	garage
Shed/Structure	On Property Line	169	Arlington Way	
Shed/Structure	On Property Line	211	Arlington Way	shed
Shed/Structure	On Property Line	211	Arlington Way	main structure
Shed/Structure	On Property Line	212	Arlington Way	accessory structure
Shed/Structure	On Property Line	180	Benjamin	East property line - shipping containers
Shed/Structure	On Property Line	11	Byron Ellinor	
Shed/Structure	On Property Line	31	Byron Ellinor	
Shed/Structure	On Property Line	19B	Byron Ellinor	
Shed/Structure	On Property Line	6 1/2	Byron Ellinor	main structure
Shed/Structure	On Property Line	6B	Byron Ellinor	shed
Shed/Structure	On Property Line	465	Cedar Street	shed
Shed/Structure	On Property Line	480	Cedar Street	north property line shed
Shed/Structure	On Property Line	491	Grandview ...	shed
Shed/Structure	On Property Line		Grandview ...	shed
Shed/Structure	On Property Line	266	Halifax Dr	main structure
Shed/Structure	On Property Line	476	Hollywood St	shed
Shed/Structure	On Property Line	90	Magnolia Dr	shed
Shed/Structure	On Property Line	95	Magnolia Dr	garage
Shed/Structure	On Property Line	136	Magnolia Dr	pool structure
Shed/Structure	On Property Line	171	Magnolia Dr	sheds
Shed/Structure	On Property Line	198	Magnolia Dr	shed
Shed/Structure	On Property Line	204	Magnolia Dr	accessory structure on east property line
Shed/Structure	On Property Line	19	Ormond Pkwy	West property line
Shed/Structure	On Property Line	105	Ormond Pkwy	
Shed/Structure	On Property Line	27	Ormond Sh...	accessory structure

Type		House #	Street [1]	Notes
Shed/Structure	On Property Line	77	Ormond Sh...	
Shed/Structure	On Property Line	384	Pine Rd	north property line
Shed/Structure	On Property Line	384	Pine Rd	accessory structure on south property line
Shed/Structure	On Property Line	401	Pine Rd	north property line
Shed/Structure	On Property Line	425	Pine Rd	
Shed/Structure	On Property Line	66	River Beac...	accessory structure
Shed/Structure	On Property Line	92	River Beac...	
Shed/Structure	On Property Line	110	River Beac...	accessory structure
Shed/Structure	On Property Line	141	River Beac...	
Shed/Structure	On Property Line	152	River Beac...	shed
Shed/Structure	On Property Line	178	River Beac...	structure on South property line
Shed/Structure	On Property Line	200	River Beac...	
Shed/Structure	On Property Line	218	River Beac...	shed
Shed/Structure	On Property Line	226	River Beac...	shed
Shed/Structure	On Property Line	232	River Beac...	East property line
Shed/Structure	On Property Line	232	River Beac...	West property line
Shed/Structure	On Property Line	237	River Beac...	West property line
Shed/Structure	On Property Line	242	River Beac...	East property line
Shed/Structure	On Property Line	242	River Beac...	West property line
Shed/Structure	On Property Line	271	Riverside Dr	south property line
Shed/Structure	On Property Line	271	Riverside Dr	East property line
Shed/Structure	On Property Line	430	Riverside Dr	shed
Shed/Structure	On Property Line	468	Riverside Dr	north
Shed/Structure	On Property Line	505	Riverside Dr	north property line
Shed/Structure	On Property Line	505	Riverside Dr	south property line
Shed/Structure	On Property Line	541	Riverside Dr	Large shed on the back property line
Shed/Structure	On Property Line	17	Rockefeller	carport
Shed/Structure	On Property Line	17	Rockefeller	accessory structure
Shed/Structure	On Property Line	29	Rockefeller	accessory structure
Shed/Structure	On Property Line	29	Rockefeller	main structure extends all the way to the back and
Shed/Structure	On Property Line	103	Rockefeller	
Shed/Structure	On Property Line	143	Rockefeller	
Shed/Structure	On Property Line	371	S Atlantic Ave	shed
Shed/Structure	On Property Line	371	S Atlantic Ave	main structure
Shed/Structure	On Property Line	374	S Atlantic Ave	South property line
Shed/Structure	On Property Line	375	S Atlantic Ave	main structure
Shed/Structure	On Property Line	385	S Atlantic Ave	main structure
Shed/Structure	On Property Line	433	S Atlantic Ave	
Shed/Structure	On Property Line	445	S Atlantic Ave	
Shed/Structure	On Property Line	484	S Atlantic Ave	south property line
Shed/Structure	On Property Line	533	S Atlantic Ave	main structure
Shed/Structure	On Property Line	539	S Atlantic Ave	main structure
Shed/Structure	On Property Line	539	S Atlantic Ave	South property line
Shed/Structure	On Property Line	173	S Beach St	2 accessory buildings on north property line of 173
Shed/Structure	On Property Line	105	Valencia Dr	shed
Shed/Structure	On Property Line	106	Valencia Dr	shed
Shed/Structure	On Property Line	135	Valencia Dr	accessory structure
Shed/Structure	On Property Line	169	Valencia Dr	accessory structure
Shed/Structure	On Property Line	210	Valencia Dr	shed on east property line
Shed/Structure	On Property Line	80	TOTAL	

Type		House #	Street [1]	Notes
Shed/Structure	Shipping Container	180	Benjamin	2 shipping containers
Shed/Structure	Shipping Container	470	S Atlantic Ave	2 x 20ft containers since before 2021
Shed/Structure	Shipping Container	54	Seton Trail	City Park property with Pods container for over 1 y
Shed/Structure	Shipping Container	3 (5)	TOTAL	
Shed/Structure	Within 7.5 ft	78	Arlington Way	
Shed/Structure	Within 7.5 ft	83	Arlington Way	
Shed/Structure	Within 7.5 ft	120	Arlington Way	
Shed/Structure	Within 7.5 ft	127	Arlington Way	main structure
Shed/Structure	Within 7.5 ft	146	Arlington Way	main structure
Shed/Structure	Within 7.5 ft	213	Arlington Way	accessory structure
Shed/Structure	Within 7.5 ft	213	Arlington Way	main structure
Shed/Structure	Within 7.5 ft	216	Arlington Way	
Shed/Structure	Within 7.5 ft	220	Arlington Way	East property line
Shed/Structure	Within 7.5 ft	220	Arlington Way	West property line
Shed/Structure	Within 7.5 ft	223	Arlington Way	West property line
Shed/Structure	Within 7.5 ft	223	Arlington Way	East property line
Shed/Structure	Within 7.5 ft	224	Arlington Way	
Shed/Structure	Within 7.5 ft	225	Arlington Way	
Shed/Structure	Within 7.5 ft	228	Arlington Way	West property line
Shed/Structure	Within 7.5 ft	228	Arlington Way	East property line
Shed/Structure	Within 7.5 ft	232	Arlington Way	main structure
Shed/Structure	Within 7.5 ft	232	Arlington Way	shed
Shed/Structure	Within 7.5 ft	242	Arlington Way	West property line
Shed/Structure	Within 7.5 ft	242	Arlington Way	East property line
Shed/Structure	Within 7.5 ft	1	Bayberry	
Shed/Structure	Within 7.5 ft	15	Byron Ellinor	shed
Shed/Structure	Within 7.5 ft	25	Byron Ellinor	
Shed/Structure	Within 7.5 ft	37	Byron Ellinor	
Shed/Structure	Within 7.5 ft	52	Byron Ellinor	accessory structure
Shed/Structure	Within 7.5 ft	16A	Byron Ellinor	
Shed/Structure	Within 7.5 ft	37B	Byron Ellinor	
Shed/Structure	Within 7.5 ft	496	Cedar Street	
Shed/Structure	Within 7.5 ft	24	Cypress Cir...	
Shed/Structure	Within 7.5 ft	26	Cypress Cir...	
Shed/Structure	Within 7.5 ft	7	Fluhart Dr	
Shed/Structure	Within 7.5 ft	25	Fluhart Dr	
Shed/Structure	Within 7.5 ft	485	Grandview ...	main structure
Shed/Structure	Within 7.5 ft	491	Grandview ...	main structure
Shed/Structure	Within 7.5 ft	497	Grandview ...	
Shed/Structure	Within 7.5 ft	503	Grandview ...	
Shed/Structure	Within 7.5 ft	275	Halifax Dr	
Shed/Structure	Within 7.5 ft	285	Halifax Dr	
Shed/Structure	Within 7.5 ft	305	Halifax Dr	accessory structure
Shed/Structure	Within 7.5 ft	353	Halifax Dr	main structure at South end of property line
Shed/Structure	Within 7.5 ft	402	Halifax Dr	West property line
Shed/Structure	Within 7.5 ft	421	Halifax Dr	
Shed/Structure	Within 7.5 ft	473	Halifax Dr	mains structure
Shed/Structure	Within 7.5 ft	482	Halifax Dr	main structure

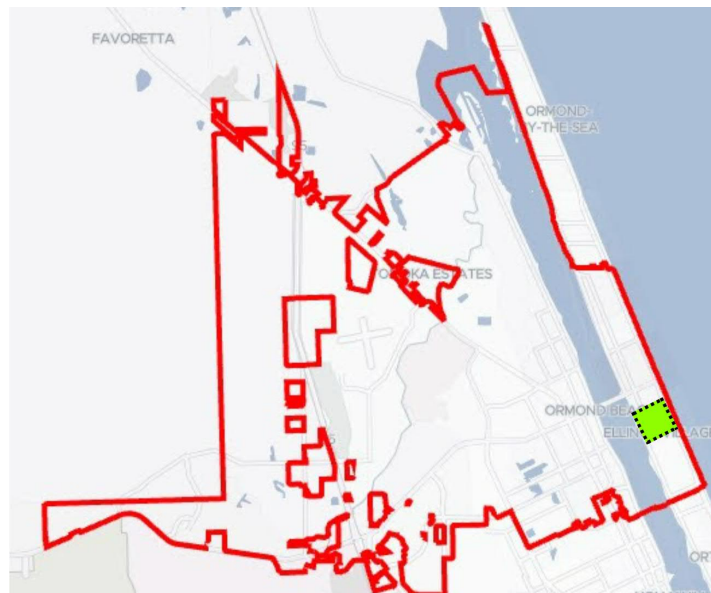
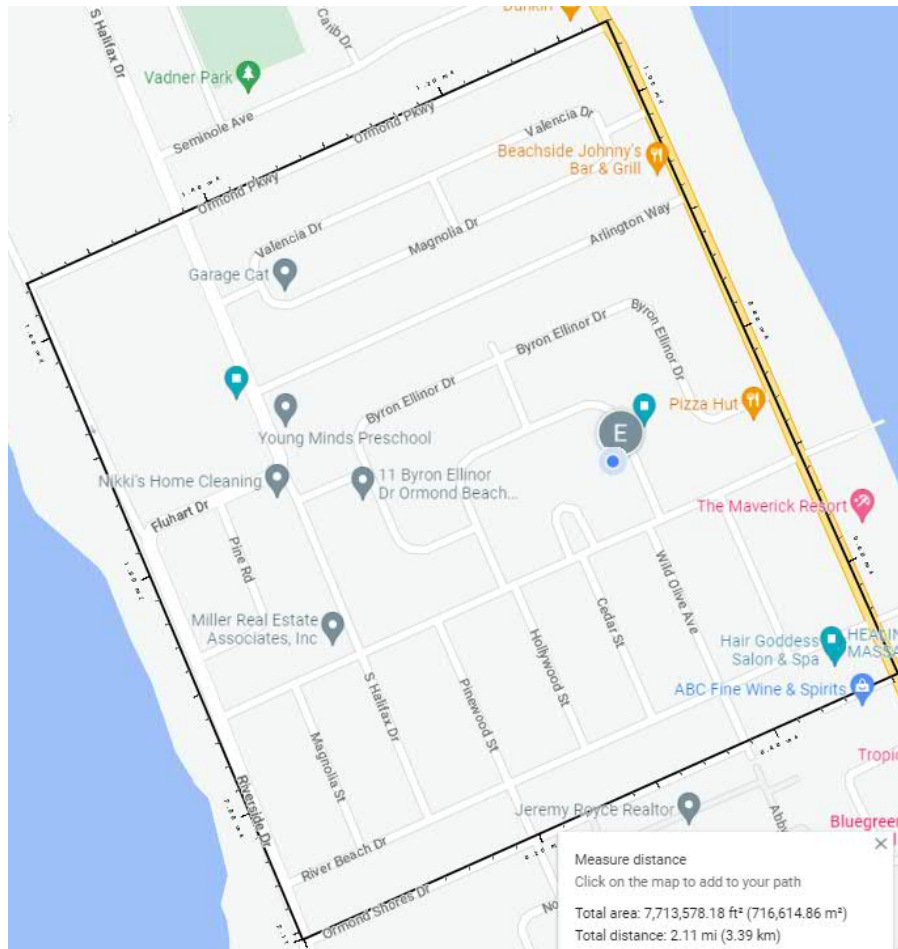
Type		House #	Street [1]	Notes
Shed/Structure	Within 7.5 ft	484	Halifax Dr	main structure
Shed/Structure	Within 7.5 ft	488	Halifax Dr	
Shed/Structure	Within 7.5 ft	493	Halifax Dr	
Shed/Structure	Within 7.5 ft	494	Halifax Dr	main structure
Shed/Structure	Within 7.5 ft	503	Halifax Dr	main structure
Shed/Structure	Within 7.5 ft	504	Halifax Dr	main structure on north side
Shed/Structure	Within 7.5 ft	504	Halifax Dr	accessory structure on South side
Shed/Structure	Within 7.5 ft	464	Hollywood St	
Shed/Structure	Within 7.5 ft	500	Hollywood St	
Shed/Structure	Within 7.5 ft	99	Magnolia Dr	
Shed/Structure	Within 7.5 ft	106	Magnolia Dr	multiple gazebo structures
Shed/Structure	Within 7.5 ft	120	Magnolia Dr	
Shed/Structure	Within 7.5 ft	129	Magnolia Dr	main structure
Shed/Structure	Within 7.5 ft	130	Magnolia Dr	*VC council member (main structure)
Shed/Structure	Within 7.5 ft	136	Magnolia Dr	East side
Shed/Structure	Within 7.5 ft	142	Magnolia Dr	accessory structures
Shed/Structure	Within 7.5 ft	142	Magnolia Dr	main structure
Shed/Structure	Within 7.5 ft	156	Magnolia Dr	
Shed/Structure	Within 7.5 ft	164	Magnolia Dr	east property line
Shed/Structure	Within 7.5 ft	174	Magnolia Dr	
Shed/Structure	Within 7.5 ft	175	Magnolia Dr	main structure
Shed/Structure	Within 7.5 ft	187	Magnolia Dr	main structure
Shed/Structure	Within 7.5 ft	187	Magnolia Dr	accessory structure
Shed/Structure	Within 7.5 ft	194	Magnolia Dr	shed
Shed/Structure	Within 7.5 ft	194	Magnolia Dr	main structure West side
Shed/Structure	Within 7.5 ft	198	Magnolia Dr	main structure West side
Shed/Structure	Within 7.5 ft	204	Magnolia Dr	West Property line
Shed/Structure	Within 7.5 ft	209	Magnolia Dr	
Shed/Structure	Within 7.5 ft	467	Magnolia St	main structure
Shed/Structure	Within 7.5 ft	468	Magnolia St	main structure
Shed/Structure	Within 7.5 ft	476	Magnolia St	main structure
Shed/Structure	Within 7.5 ft	481	Magnolia St	shed at south property line
Shed/Structure	Within 7.5 ft	482	Magnolia St	main structure
Shed/Structure	Within 7.5 ft	482	Magnolia St	main structure
Shed/Structure	Within 7.5 ft	491	Magnolia St	
Shed/Structure	Within 7.5 ft	496	Magnolia St	main structure
Shed/Structure	Within 7.5 ft	503	Magnolia St	
Shed/Structure	Within 7.5 ft	19	Ormond Pkwy	main structure - west property line
Shed/Structure	Within 7.5 ft	19	Ormond Pkwy	north property line - main structure
Shed/Structure	Within 7.5 ft	154	Ormond Pkwy	main structure
Shed/Structure	Within 7.5 ft	165	Ormond Pkwy	shed
Shed/Structure	Within 7.5 ft	55	Ormond Sh...	Garage within 7.5 ft of property line
Shed/Structure	Within 7.5 ft	55	Ormond Sh...	Backyard hut within 7.5 ft of property line
Shed/Structure	Within 7.5 ft	67	Ormond Sh...	House within 7.5 ft of property line
Shed/Structure	Within 7.5 ft	89	Ormond Sh...	
Shed/Structure	Within 7.5 ft	384	Pine Rd	
Shed/Structure	Within 7.5 ft	391	Pine Rd	
Shed/Structure	Within 7.5 ft	401	Pine Rd	south property line
Shed/Structure	Within 7.5 ft	425	Pine Rd	
Shed/Structure	Within 7.5 ft	431	Pine Rd	

Type		House #	Street [1]	Notes
Shed/Structure	Within 7.5 ft	473	Pinewood St	
Shed/Structure	Within 7.5 ft	479	Pinewood St	
Shed/Structure	Within 7.5 ft	486	Pinewood St	
Shed/Structure	Within 7.5 ft	506	Pinewood St	
Shed/Structure	Within 7.5 ft	16	River Beac...	structure
Shed/Structure	Within 7.5 ft	39	River Beac...	main structure
Shed/Structure	Within 7.5 ft	42	River Beac...	main structure
Shed/Structure	Within 7.5 ft	42	River Beac...	accessory structure
Shed/Structure	Within 7.5 ft	48	River Beac...	West property line
Shed/Structure	Within 7.5 ft	48	River Beac...	South property line
Shed/Structure	Within 7.5 ft	50	River Beac...	
Shed/Structure	Within 7.5 ft	55	River Beac...	garage off Halifax
Shed/Structure	Within 7.5 ft	66	River Beac...	main structure
Shed/Structure	Within 7.5 ft	73	River Beac...	north property line
Shed/Structure	Within 7.5 ft	110	River Beac...	shed
Shed/Structure	Within 7.5 ft	116	River Beac...	
Shed/Structure	Within 7.5 ft	116	River Beac...	main structure
Shed/Structure	Within 7.5 ft	116	River Beac...	accessory structure
Shed/Structure	Within 7.5 ft	126	River Beac...	
Shed/Structure	Within 7.5 ft	178	River Beac...	shed within 7.5 ft of East property line
Shed/Structure	Within 7.5 ft	187	River Beac...	
Shed/Structure	Within 7.5 ft	199	River Beac...	
Shed/Structure	Within 7.5 ft	209	River Beac...	gazebo
Shed/Structure	Within 7.5 ft	237	River Beac...	north property line
Shed/Structure	Within 7.5 ft	237	River Beac...	North Property line
Shed/Structure	Within 7.5 ft	275	Riverside Dr	south property line
Shed/Structure	Within 7.5 ft	283	Riverside Dr	North Property line
Shed/Structure	Within 7.5 ft	317	Riverside Dr	north Property line
Shed/Structure	Within 7.5 ft	331	Riverside Dr	north Property line
Shed/Structure	Within 7.5 ft	333	Riverside Dr	shed on north Property line
Shed/Structure	Within 7.5 ft	393	Riverside Dr	shed
Shed/Structure	Within 7.5 ft	400	Riverside Dr	north property line
Shed/Structure	Within 7.5 ft	444	Riverside Dr	south property line
Shed/Structure	Within 7.5 ft	458	Riverside Dr	south property line
Shed/Structure	Within 7.5 ft	462	Riverside Dr	north property line
Shed/Structure	Within 7.5 ft	462	Riverside Dr	south property line
Shed/Structure	Within 7.5 ft	468	Riverside Dr	south property line
Shed/Structure	Within 7.5 ft	475	Riverside Dr	
Shed/Structure	Within 7.5 ft	476	Riverside Dr	
Shed/Structure	Within 7.5 ft	497	Riverside Dr	
Shed/Structure	Within 7.5 ft	509	Riverside Dr	main structure
Shed/Structure	Within 7.5 ft	510	Riverside Dr	main structure
Shed/Structure	Within 7.5 ft	524	Riverside Dr	
Shed/Structure	Within 7.5 ft	530	Riverside Dr	
Shed/Structure	Within 7.5 ft	24	Rockefeller	shed
Shed/Structure	Within 7.5 ft	24	Rockefeller	porch attached to main structure
Shed/Structure	Within 7.5 ft	38	Rockefeller	shed
Shed/Structure	Within 7.5 ft	48	Rockefeller	
Shed/Structure	Within 7.5 ft	53	Rockefeller	shed
Shed/Structure	Within 7.5 ft	80	Rockefeller	accessory structure

Type		House #	Street [1]	Notes
Shed/Structure	Within 7.5 ft	106	Rockefeller	
Shed/Structure	Within 7.5 ft	131	Rockefeller	
Shed/Structure	Within 7.5 ft	178	Rockefeller	shed 2 west property line
Shed/Structure	Within 7.5 ft	178	Rockefeller	shed south property line
Shed/Structure	Within 7.5 ft	204	Rockefeller	
Shed/Structure	Within 7.5 ft	215	Rockefeller	
Shed/Structure	Within 7.5 ft	281	S Atlantic Ave	North property line
Shed/Structure	Within 7.5 ft	281	S Atlantic Ave	South property line
Shed/Structure	Within 7.5 ft	295	S Atlantic Ave	
Shed/Structure	Within 7.5 ft	333	S Atlantic Ave	entire main structure and connected secondary st
Shed/Structure	Within 7.5 ft	333	S Atlantic Ave	main structure - south property line
Shed/Structure	Within 7.5 ft	335	S Atlantic Ave	North property line
Shed/Structure	Within 7.5 ft	335	S Atlantic Ave	south property line
Shed/Structure	Within 7.5 ft	342	S Atlantic Ave	South property line
Shed/Structure	Within 7.5 ft	345	S Atlantic Ave	main structure
Shed/Structure	Within 7.5 ft	353	S Atlantic Ave	North property line
Shed/Structure	Within 7.5 ft	353	S Atlantic Ave	South property line
Shed/Structure	Within 7.5 ft	361	S Atlantic Ave	main structure
Shed/Structure	Within 7.5 ft	373	S Atlantic Ave	
Shed/Structure	Within 7.5 ft	374	S Atlantic Ave	North property line
Shed/Structure	Within 7.5 ft	484	S Atlantic Ave	North property line
Shed/Structure	Within 7.5 ft	505	S Atlantic Ave	North property line
Shed/Structure	Within 7.5 ft	505	S Atlantic Ave	South property line
Shed/Structure	Within 7.5 ft	507	S Atlantic Ave	
Shed/Structure	Within 7.5 ft	543	S Atlantic Ave	
Shed/Structure	Within 7.5 ft	553	S Atlantic Ave	south property line
Shed/Structure	Within 7.5 ft	105	Valencia Dr	
Shed/Structure	Within 7.5 ft	135	Valencia Dr	main structure
Shed/Structure	Within 7.5 ft	151	Valencia Dr	main structure
Shed/Structure	Within 7.5 ft	169	Valencia Dr	main structure
Shed/Structure	Within 7.5 ft	172	Valencia Dr	South property line
Shed/Structure	Within 7.5 ft	172	Valencia Dr	East property line
Shed/Structure	Within 7.5 ft	174	Valencia Dr	East property line
Shed/Structure	Within 7.5 ft	175	Valencia Dr	main structure
Shed/Structure	Within 7.5 ft	188	Valencia Dr	West property line
Shed/Structure	Within 7.5 ft	210	Valencia Dr	2 story accessory structure
Shed/Structure	Within 7.5 ft	215	Valencia Dr	
Shed/Structure	Within 7.5 ft	475	Wild Olive	shed
Shed/Structure	Within 7.5 ft	481	Wild Olive	shed
Shed/Structure	Within 7.5 ft	183	TOTAL	

Photo Samples of Cherry Picking & Equal Protection Violations by OB

1. 115,714 Similar Violations in OB
 - a. Sample of Cypress Neighborhood: Riverside Dr to S Atlantic Ave and Ormond Shores Drive to Ormond Pkwy = 0.28 mi² or 0.7% of OB (small green box on full city map)
 - b. **810 paver/parking, structure/storage, fence violations in plain view** in just 0.7% of OB - Henry's Immediate Neighborhood



2. No Permits Issued **24 Examples**

a. 924 Rollins Sellers



b. Extensive Remodeling / Repairs **11 Violations**





c. Fences 6 Specific Violations, many more after Hurricane Ian





d. Pavers / Parking Areas 1 Violation OB *knew* about

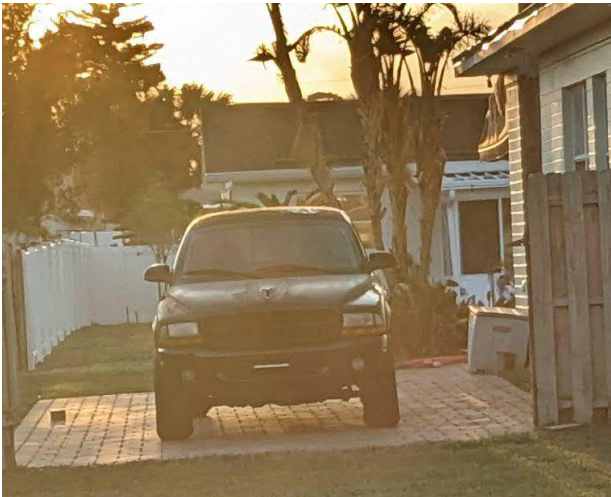


e. Shipping Containers / Sheds 5 Specific Violations

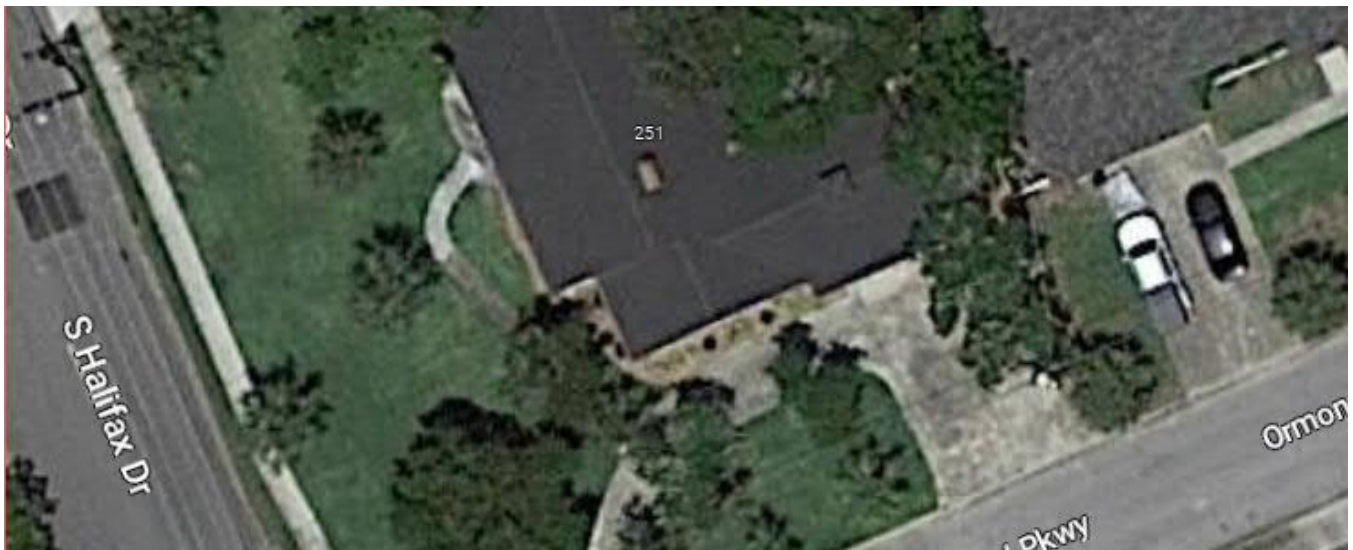


3. Pavers / Parking Area LDC “Requirements” Not Enforced Elsewhere **457 Examples**

a. On Property Line **162 Violations**



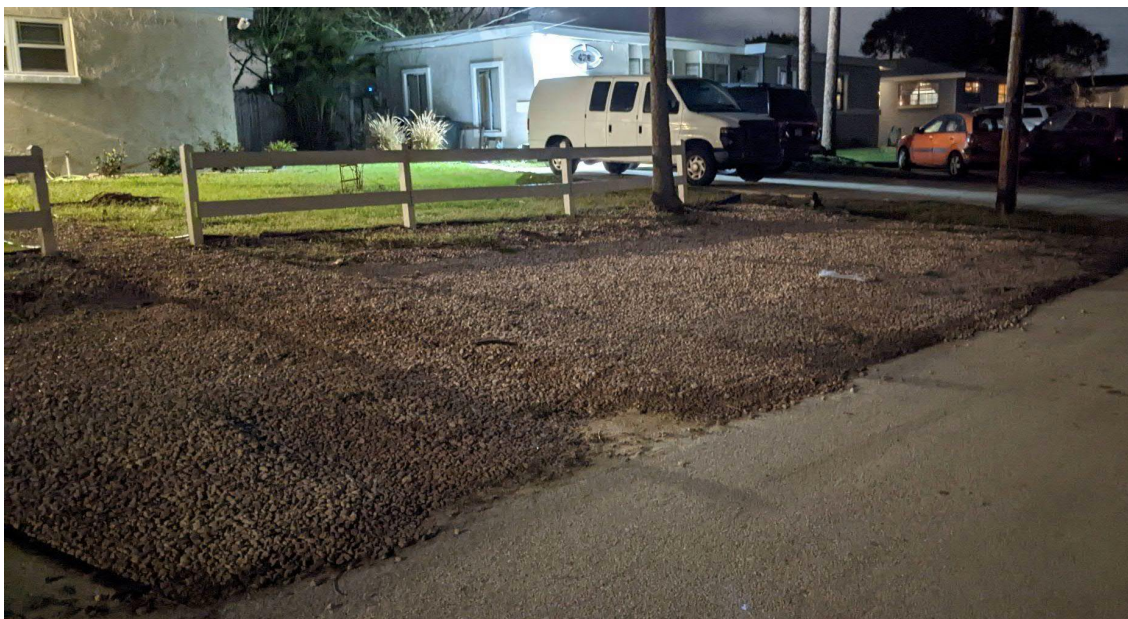
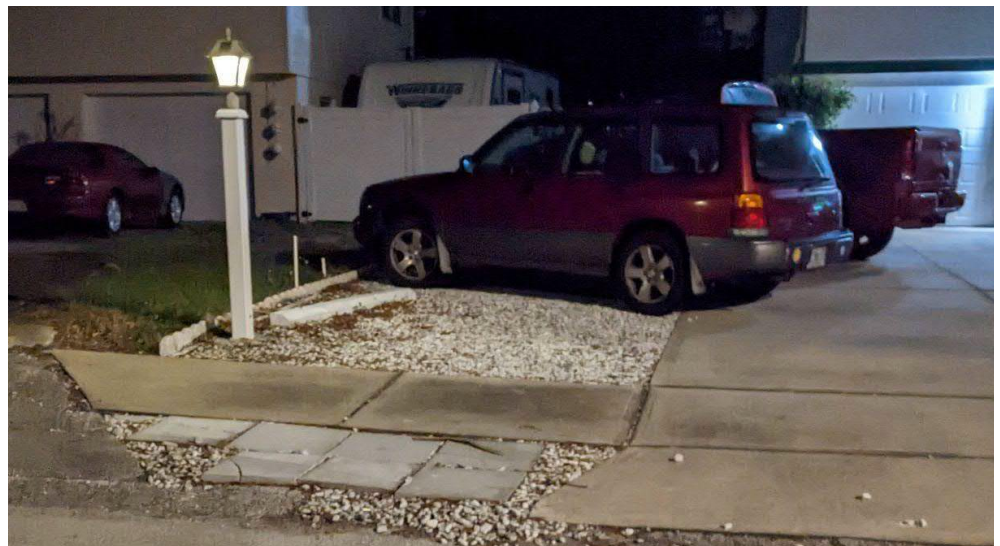
b. Within 7.5 feet of the Property Line **139 Violations**

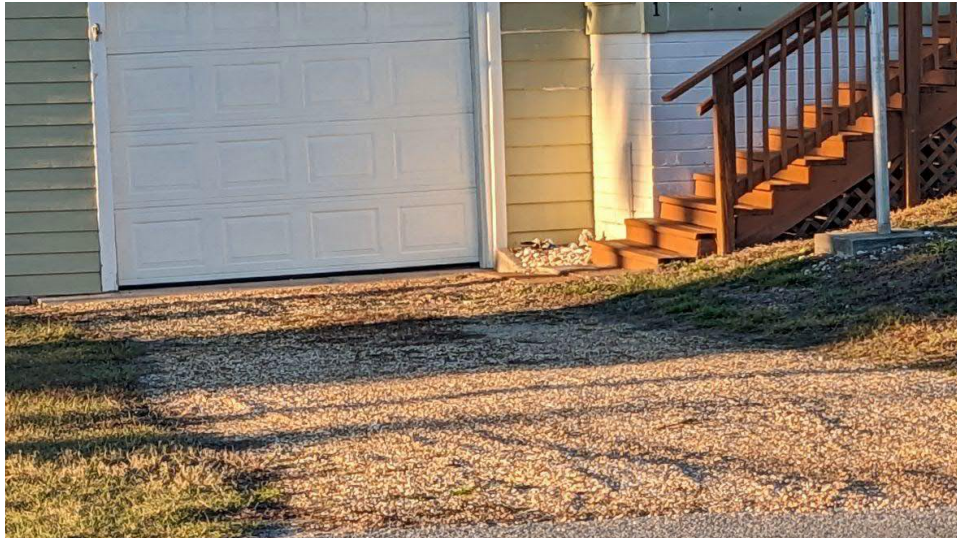




c. Stone Driveway / Parking Area **60 Violations**

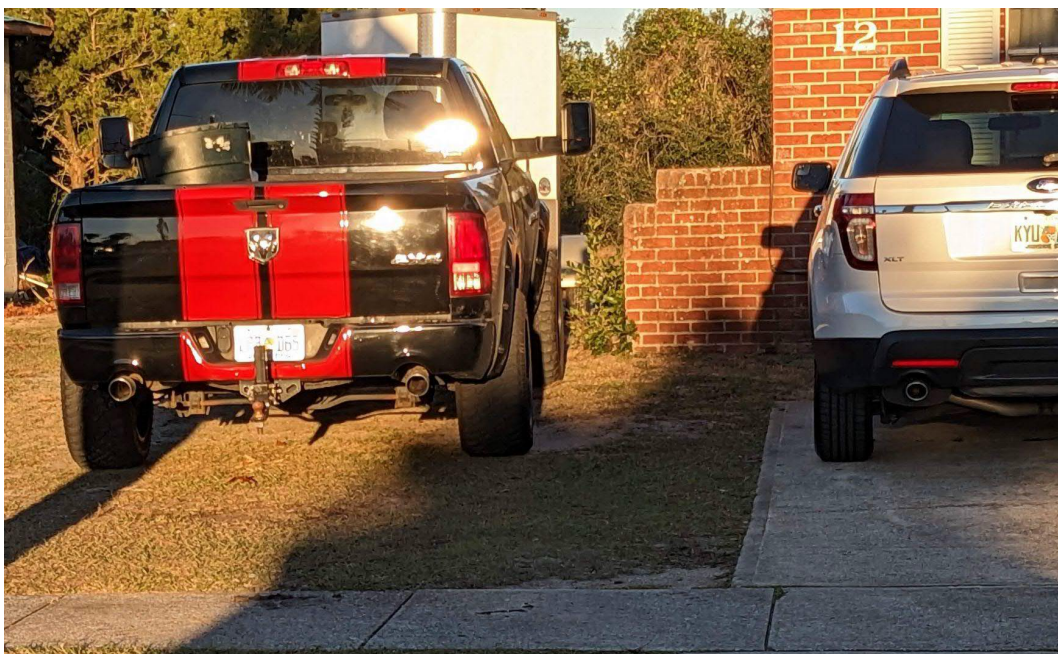
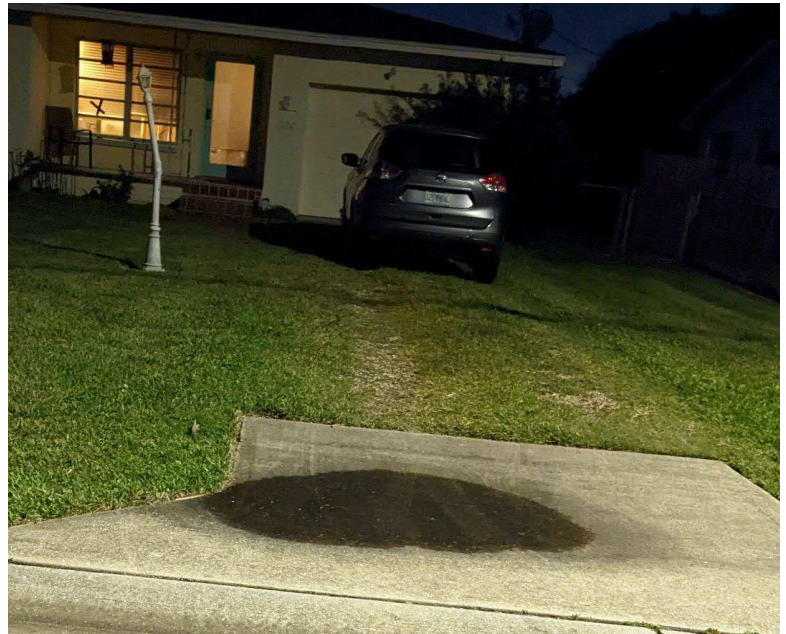






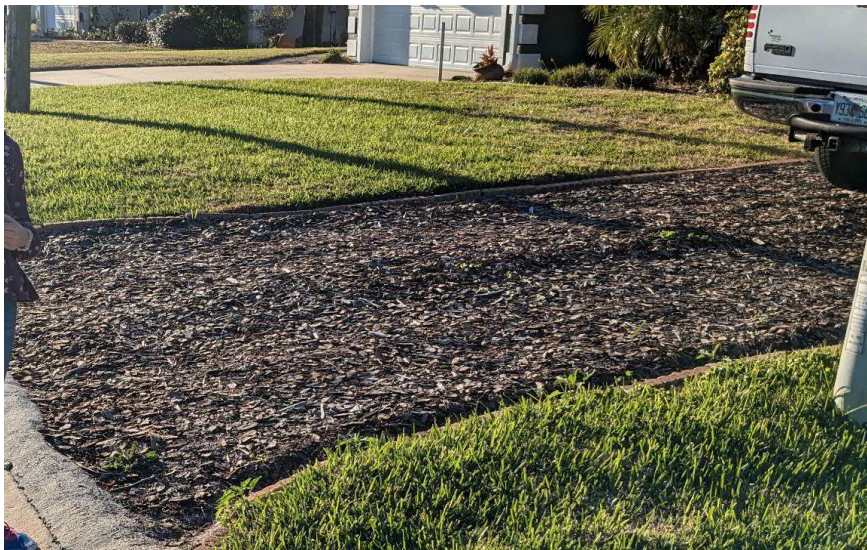
d. Grass Driveway / Parking Area **92 Violations**







e. Mulch Driveway / Parking Area **4 Violations**





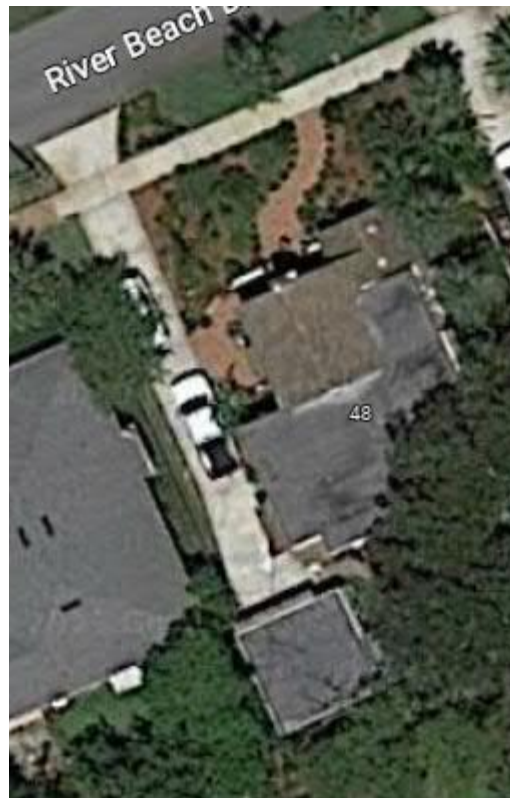
f. Even When Permits Are Issued! (1 Example)



4. Shipping Containers / Shed / Structure **266 Examples**
a. Shipping Containers **3 Violations**

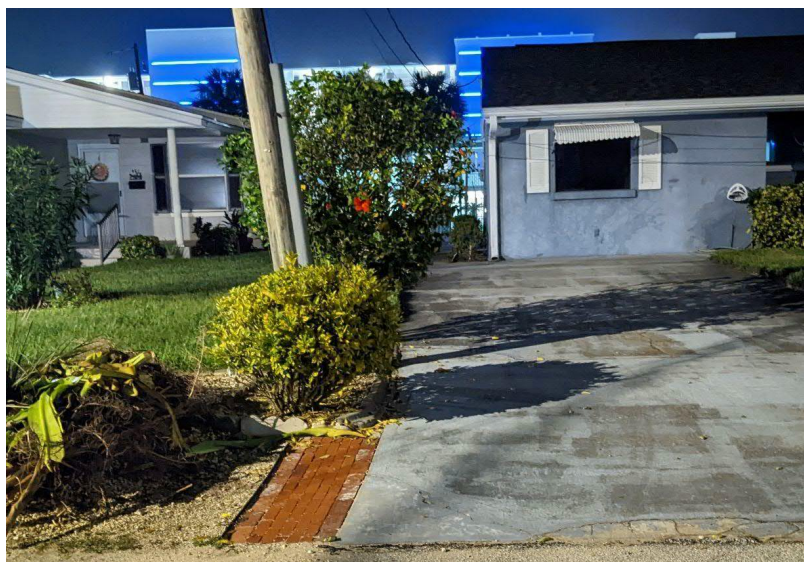


b. On Property Line **80 Violations**





c. Within 7.5 feet of Property Line **183 Violations**



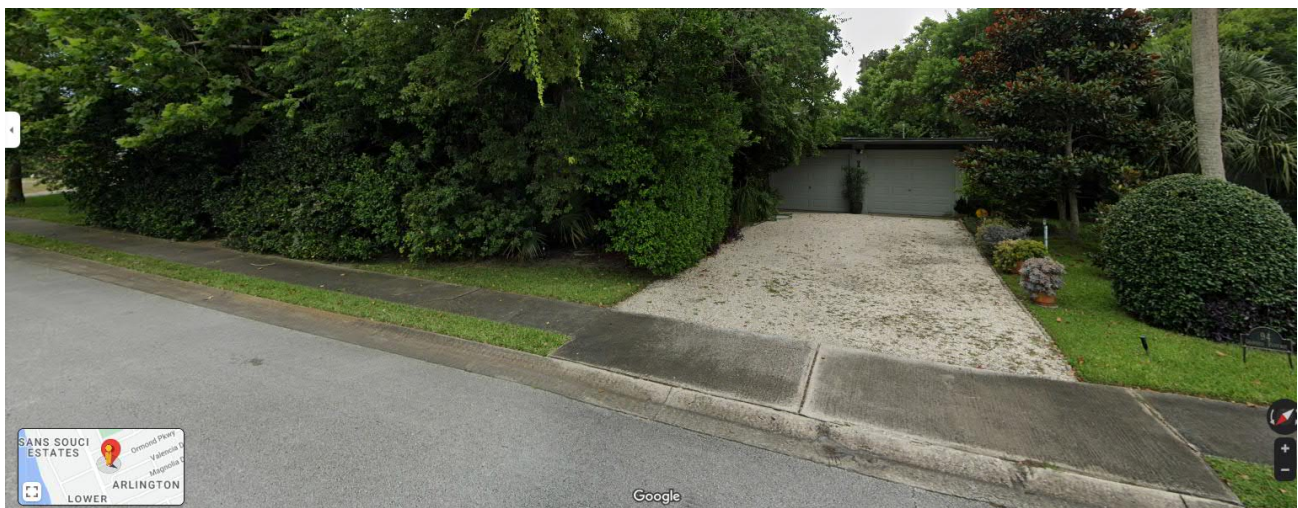


- 5. Fence **63 Examples**
 - a. Dilapidated Fences **49 Violations**





- b. Inverted Fence Frames **2 Violations**
- c. Wrong Height / Opacity **12 Violations**





6. Government Officials Get a Free Pass with LDC Violations
a. OBPD Officer living at 5 Byron Ellinor



- b. VC Sheriff Deputy Living at 5 Byron Ellinor



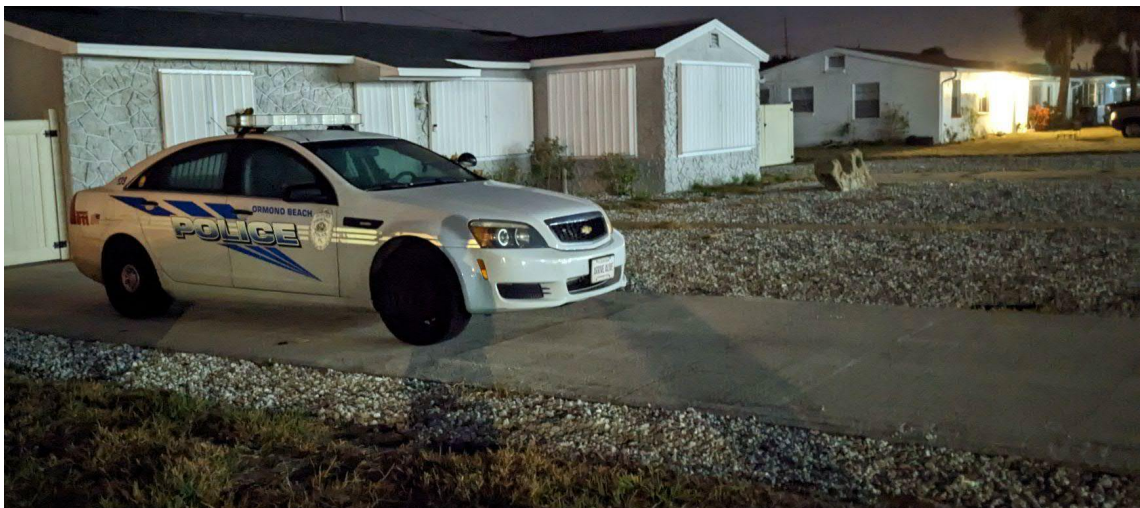
- c. OBPD Officer Living at 28 Byron Ellinor



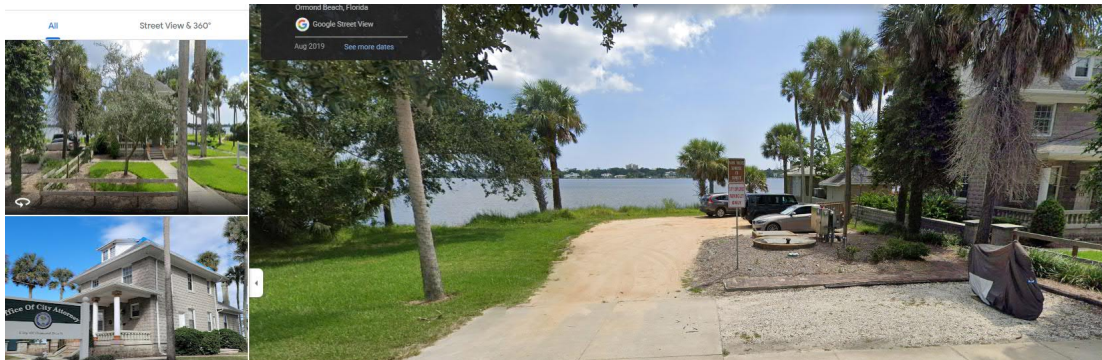
d. OB Employee with City Work Van Living at 39 Byron Ellinor



e. OBPD Officer Regularly Parking at 52 Byron Ellinor



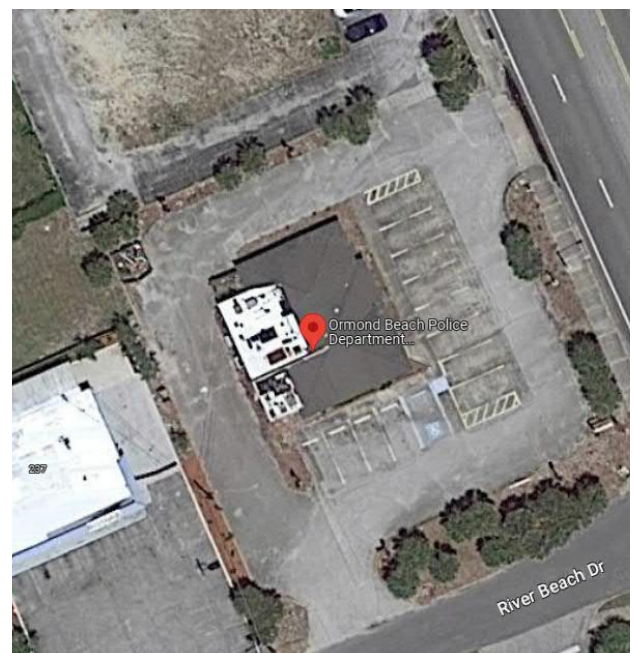
f. City Attorney Office at 173 S Beach Street



g. Volusia County Council & Former OB Commission Member Living at 130 Magnolia Dr



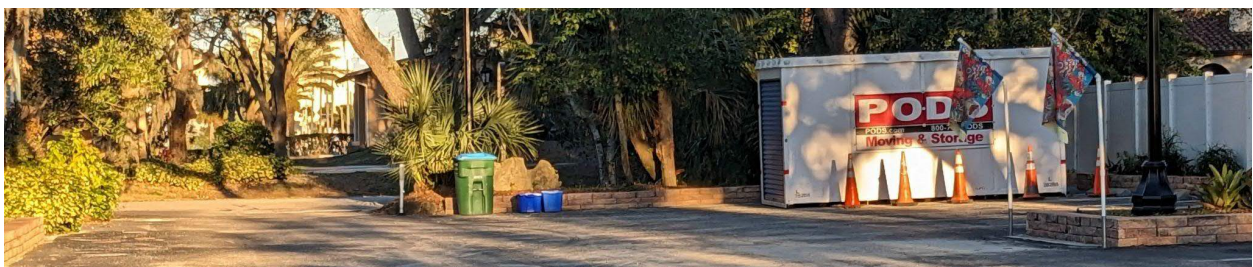
h. Old OBPD Property at 520 S Atlantic Ave



- i. FL State Law Enforcement Living at 491 Magnolia Street



- j. City Park Parking Lot with Pods Container Sitting for Over a Year at 54 Seton Trail



7. Enforcement Pattern Selective and Personal

a. 1/10/23 Posting of Notices in Boulevard, to Embarrass, Not Serve Henrys

i. Facing AWAY from Our Line of Sight, TOWARD the Street





Katherine Henry <[REDACTED]>

33 Cypress Cir

2 messages

Bruce, Janet <Janet.Bruce@ormondbeach.org>

Mon, Nov 7, 2022 at 10:36 AM

To: "[REDACTED]" >

Good morning,

I just wanted to follow up with you in regards to obtaining the building permits for your new fence, pavers and getting the storage containers removed from the property. Per the Notice of Violation that you received on October 20, 2022 and a Stop Work Order was posted on your property on September 2, 2022, you were given 20 days from October 20, 2022 to obtain the permits. I just wanted to check to see if you are in need of any assistance with the process of obtaining the permits. The next step in the enforcement process will be issuing three citations and notice of hearings. Please let me know if you have any questions.

Thank you,

Janet Bruce

Neighborhood Improvement Division

Ormond Beach Police Department

[170 W. Granada Blvd](#)

[Ormond Beach, FL 32174](#)

(386)676-3352 (office)

Notice: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Katherine Henry <[REDACTED]>

Tue, Nov 8, 2022 at 5:06 PM

To: "Bruce, Janet" <Janet.Bruce@ormondbeach.org>

Good afternoon. Attached, please find the statutory NOTICE of Proposed Action, pursuant to Fl. St. 70.45 Government Exaction, and other related statutes, and the NOTICE to Cease and Desist all LDC actions being taken against Michael and/or Katherine Henry. Please note state law has specific requirements for your written response, as well as your halting of the prohibited governmental conduct. You will also find Exhibits A-D attached.

(One file was too large for a normal attachment, so it, and the NOTICE, are attached separately, here:)

 [NOTICE of Proposed Action & NOTICE to Cease & D...](#)

 [Henry Response to Kelly Emergency Motion for Te...](#)



Katherine Henry

Constitutional Attorney, Educator & Advocate

More Freedom; Less Government

RestoreFreedomKH.com

Restoring our government of the people, by the people, and for the people

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[Quoted text hidden]

3 attachments



Notice Of Lis Pendens FILED.pdf

96K



Henry Answer to Kelly Complaint for Ejectment.pdf

4454K



Henry's Response and Motion for Protective Order and Exhibits.pdf

15072K



janet.bruce@ormondbeach.org opened email **Re: 33 Cypress Cir**

January 13

✓ 16 opens

- opened email **Re: 33 Cypress Cir**
Jan 13 at 4:14 PM
- opened email **Re: 33 Cypress Cir**
Dec 29 at 8:34 AM
- opened email **Re: 33 Cypress Cir**
Dec 21 at 11:08 AM
- opened email **Re: 33 Cypress Cir**
Nov 22 at 8:56 AM
- opened email **Re: 33 Cypress Cir**
Nov 22 at 7:57 AM
- opened email **Re: 33 Cypress Cir**
Nov 14 at 4:30 PM
- opened email **Re: 33 Cypress Cir**
Nov 14 at 4:16 PM
- opened email **Re: 33 Cypress Cir**
Nov 14 at 4:10 PM
- opened email **Re: 33 Cypress Cir**
Nov 9 at 11:18 AM
- opened email **Re: 33 Cypress Cir**
Nov 9 at 10:32 AM
- opened email **Re: 33 Cypress Cir**
Nov 9 at 10:20 AM
- opened email **Re: 33 Cypress Cir**
Nov 9 at 10:03 AM
- opened email **Re: 33 Cypress Cir**
Nov 9 at 9:05 AM
- opened email **Re: 33 Cypress Cir**
Nov 9 at 9:01 AM
- opened email **Re: 33 Cypress Cir**
Nov 9 at 7:53 AM
- opened email **Re: 33 Cypress Cir**
Nov 8 at 5:06 PM
- was sent email **Re: 33 Cypress Cir**
Nov 8 at 5:06 PM

UNITED STATES POSTAL SERVICE

Sorry We Missed You!

Item is at:

___ Post Office™ (See back)

☒ Letter

___ Large envelope, magazine, catalog, etc.

___ Parcel

___ Perishable Item

___ Other:

Article Requiring Payment

☐ Postage Due ☐ COD

☒ Final Notice: Article will be returned to sender on **Sat 02/18/2023**

PS Form 3849, July 2011

We will redeliver OR you or your agent will pick up, sign

1. ☒ a. Check all that apply: Section 3;
☐ b. Sign in section 2 b;
☐ c. Leave this notice where the carrier can see

2. Sign Here to authorize redelivery or to authorize an agent to do so for you:

3. ☐ Redeliver (Enter day of delivery)

(Allow at least two delivery days for redelivery, or go to usps.com/redelivery or call 800-275-8777 to arrange redelivery.)

☐ Leave item at my address (not available if you or your agent are not present)

(Specify where to leave. Example: "porch", "side door". This option is available if box is checked on the back of this notice requiring your signature at time of delivery.)

☐ Refused ☐ Forward ☐ Other

PS Form 3849, July 2013



UNITED STATES
POSTAL SERVICE®

We Redeliver For You!®

Download Informed Delivery® APP to manage your redeliveries.

Sorry we missed you while you were out.

Date: 1/3/23

The item was sent by: J. Bruce

It was sent to: Michael Henry, Katherine

At this address: P.O. BOX 333

About the missed delivery:

It was a:

___ Package 3 Letter ___ Large envelope

☐ USPS® Smart Parcel Locker Eligible
(Smaller than 17Hx13Wx23D)

Available for pickup date: _____

This is the:

☐ First attempt ☐ Final notice

To schedule a redelivery:

Scan the QR code or go to
usps.com/redelivery

Article number:

5293 0640 7536 3401



We have item/s for you which we could not deliver because:

☐ It requires a payment of \$ _____ for:

___ Postage due ___ Customs

☐ Receptacle full/item oversized

☐ No secure location available

☐ No authorized recipient available

☒ Signature required

___ must be 18+ years old ___ must be 21+ years old

☐ Other: _____

Please see reverse to schedule redelivery or pickup.

PS Form 3849, September 2022



Katherine Henry <[REDACTED]>

Special Magistrate Hearing

4 messages

Emery, Ann-Margret <A.Emery@ormondbeach.org>

Thu, Jan 19, 2023 at 4:12 PM

To: "[REDACTED]" <[REDACTED]>

Cc: "Mason, Chris" <Chris.Mason@ormondbeach.org>

Hello Katherine, I have confirmed that your hearing will be continued to Feb. 27. You will be receiving a revised hearing notice. Please let me know if you have any further questions. Thank you, Ann-Margret

Ann-Margret Emery

Deputy City Attorney

City of Ormond Beach

Post Office Box 277

[173 South Beach Street](#) (Ames Park)

Ormond Beach, FL 32175-0277

Direct: (386) 676-3218 Fax: (386) 676-3321

e-mail: A.Emery@ormondbeach.org

Notice: Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Katherine Henry <[REDACTED]>

Wed, Feb 1, 2023 at 11:44 AM

To: "Emery, Ann-Margret" <A.Emery@ormondbeach.org>

Cc: "Mason, Chris" <Chris.Mason@ormondbeach.org>

Good morning. Just following up, as no notice has been served yet. It seems the court reporters need the official Notice of Hearing in order to schedule the reporter, so I have been unable to schedule one without it.

Restore Freedom
with
Katherine Henry

Katherine Henry

Constitutional Attorney, Educator & Advocate

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[Quoted text hidden]

Mason, Chris <Chris.Mason@ormondbeach.org>

Wed, Feb 1, 2023 at 3:11 PM

To: Katherine Henry <[REDACTED]>, "Emery, Ann-Margret" <A.Emery@ormondbeach.org>

Cc: "Radcliffe, Barbara" <Barbara.Radcliffe@ormondbeach.org>

Good afternoon Mrs. Henry,

The above attached notices are en route to your mailing address. I hope that the electronic copies may assist you with scheduling the reporter.

Thank you

Chris

Chris Mason

Neighborhood Improvement

Division Manager

Ormond Beach Police Department

170 W. Granada Blvd.

Ormond Beach, FL 32174

(386)676-3352

(386)615-7074 Fax

From: Katherine Henry <[REDACTED]>

Sent: Wednesday, February 1, 2023 11:44 AM

To: Emery, Ann-Margret <A.Emery@ormondbeach.org>

Cc: Mason, Chris <Chris.Mason@ormondbeach.org>

Subject: Re: Special Magistrate Hearing

[External Email-Use Caution] - OB/IT Helpdesk
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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

[Quoted text hidden]

[Quoted text hidden]

3 attachments



#22-112237 - NOH for 2-27-23.pdf
24K



#22-112246 - NOH for 2-27-23.pdf
24K



#22-112247 - NOH for 2-27-23.pdf
32K

Katherine Henry <[REDACTED]>

Wed, Feb 1, 2023 at 3:45 PM

To: "Mason, Chris" <Chris.Mason@ormondbeach.org>

Cc: "Emery, Ann-Margret" <A.Emery@ormondbeach.org>, "Radcliffe, Barbara" <Barbara.Radcliffe@ormondbeach.org>

Bcc: Michael Henry <[REDACTED]>, Lori DeVries <[REDACTED]>

Thank you for the reply. I will see if those copies will satisfy the requests of the court reporters I have contacted. Additionally, by sending to my mailing address, I'm assuming that means they are coming certified mail? I have not been personally served or served by certified mail [as required by FL Stat 162.12(1) and (3)] for these new matters yet for either Court date.

Thank you, again. Have a wonderful afternoon!

Katherine Henry
Constitutional Attorney, Educator & Advocate
Restore Freedom with Katherine Henry, P.C.
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[Quoted text hidden]