

**CASE SUMMARY**  
**2025-CE-00122216**  
**Citation# 0536**  
**Hearing Date: August 14, 2025**  
**Code Officer: R. Hazelwood**

**DESCRIPTION:**

Gary J Lutsky is the owner of the property located at 3047 Orange Tree Dr, in Edgewater, Florida. It has been found in violation of Section 7-1 (Incorporation Florida Building Code) of the City of Edgewater's Code of Ordinances.

**BACKGROUND:**

On May 5, 2025 Code Enforcement received a complaint ref to unpermitted work on a shed and a screened porch at 3047 Orange Tree Dr.

I arrived on scene and observed what appeared to be windows installed to the screened in porch and an extension and new metal roof to a shed located on the property.

I spoke with the owner and he confirmed the new window replacement and additions to the shed. Subsequently I issued a Notice of Violation with a correction date of May 15, 2025.

On May 8, 2025 the property owner applied for permits for the windows and shed. The window permit was later issued however the shed permit was not issued due to corrections needed.

After nearly two months of waiting for the owner to complete the corrections needed, Citation# 0536 was subsequently issued for this offense. It was posted to the property, sent certified mail to the owner and posted at City.

All notices and provisions of Chapter 10 Article XXVII have been complied with.

**STAFF RECOMMENDATION:**

Staff recommends the Special Magistrate find Gary J Lutsky, in violation of Section 7-1 (Incorporation Florida Building Code) of the Code of Ordinances and assess the citation fine of \$75.00. The permit has been obtained and no daily fines are being requested.



CITATION #

City of Edgewater Code Enforcement Division  
PO BOX 100  
1605 S. Ridgewood Ave., Edgewater, FL 32132  
(386) 424-2400

[codeenforcement@cityofedgewater.org](mailto:codeenforcement@cityofedgewater.org)

Date: Time: Case#

Name:

Address:

Date/Time violation first observed:

Violation(s) of the Land Development Code/ Code of Ordinances;

- |        |             |
|--------|-------------|
| 1. Sec | Description |
| 2. Sec | Description |
| 3. Sec | Description |

Civil fine (violation 1) \$

Civil fine (violation 2) \$

Civil fine (violation 3) \$

Nature of the Violation(s)

The violation(s) may be corrected in the following manner:

Signature of owner/tenant:

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*Signature is not an admission of guilt.*

Willful refusal to accept and sign this citation is a second-degree misdemeanor. FS162.21(6) 775.082, 775.083

**Method of notice: Certified & Posted**

**The Code Enforcement Hearing has been scheduled for:**

Date: Time:

**City of Edgewater City Hall Chambers  
104 N Riverside Dr., Edgewater, FL 32132**

**UPON RECEIPT OF THIS CITATION, YOU MAY ELECT TO:**

1. Correct the violation and pay the civil fine(s); or
2. Contest the violation(s) at the scheduled hearing reference on the date provided.

**Failure to appear at the hearing will indicate that you have waived your right to contest the violation and an order may be entered against you for the maximum applicable penalties that include but are not limited to fines, administrative costs, daily fines and liens. Daily Fines may be liened up to \$500 per day in accordance with section 10-348.**

This citation is issued pursuant to Ordinance Sec. 10-344. It is your responsibility to contact the Code Enforcement Officer issuing this citation at (386) 424-2400 Ext. 2210 once the violation has been corrected. The violation will be deemed to be in existence until the Code Enforcement Officer determines that the violation has been corrected. Failure to pay the fine, the violation will be heard before the special magistrate and the date, time, and place that said hearing will be conducted.

The fine(s) may be paid in person at Edgewater City Hall, 104 N. Riverside Dr. or by mail to:

City of Edgewater  
Po Box 100 Edgewater, FL 32132

Code Enforcement Officer:

# NOTICE OF VIOLATION



Code Enforcement Division  
1605 South Ridgewood Ave  
Edgewater, Florida 32132  
(386) 424-2400 Ext. 2210

[codeenforcement@cityofedgewater.org](mailto:codeenforcement@cityofedgewater.org)



Date: May 5, 2025

Case Number: 25-00122216

LUTSKY GARY J  
3047 ORANGE TREE DR  
EDGEWATER, FL 32141

Violation Location: 3047 ORANGE TREE  
DR  
Parcel ID: 8402-01-10-5190  
Property Owner: LUTSKY GARY J  
Date of Violation(s): May 05, 2025

## Violation(s) City of Edgewater Code of Ordinances:

Violation Detail 00010 7-1 FBC 105.1 Permit Required Date Est: May 05, 2025 Location: Qty: 001 Any owner or authorized agent who intends to construct, enlarge, alter, repair, moved, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. Contact the Building Department at [buildingdept@cityofedgewater.org](mailto:buildingdept@cityofedgewater.org) 139 E Park Ave, Edgewater, FL 32132 in order to obtain the appropriate required for work completed.

**A permit is required for the construction work completed on extending the shed and closing in the screen room**

Violation(s) must be corrected BEFORE: May 15, 2025

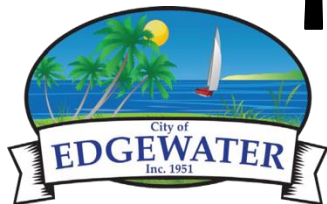
Signature of owner/tenant

Date

Code Enforcement Officer: Robert Hazelwood

**Contact the code enforcement officer once the violation(s) has been corrected.**

**Failure to comply with this notice of violation and take corrective action will result in the issuance of a notice of hearing and a civil fine not to exceed \$500. Daily fines, not to exceed \$500 per day, may also be assessed. Any future violation(s) of the same nature may result in the issuance of a notice of hearing and a civil fine not to**



# NOTICE OF VIOLATION

Code Enforcement Division  
1605 South Ridgewood Ave  
Edgewater, Florida 32132  
(386) 424-2400 Ext. 2210

[codeenforcement@cityofedgewater.org](mailto:codeenforcement@cityofedgewater.org)



**Date:** August 4, 2025

**Case Number:** 25-00122216

LUTSKY GARY J  
3047 ORANGE TREE DR  
EDGEWATER, FL 32141

**Violation Location:** 3047 ORANGE TREE  
DR

**Parcel ID:** 8402-01-10-5190

**Property Owner:** LUTSKY GARY J

**Date of Violation(s):** May 05, 2025

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Signature of owner/tenant \_\_\_\_\_ Date \_\_\_\_\_

Code Enforcement Officer: Robert Hazelwood

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## Kathleen Capetillo

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**From:** Miron San Miguel  
**Sent:** Sunday, May 4, 2025 10:09 AM  
**To:** Robert Hazelwood  
**Subject:** Fw: 3047 Orange Tree Gary Lutsky  
**Attachments:** City of EW list of permits 3047 Orange Tree dr 4-23-2025.pdf; EW Permit Application 20-1730 Sun Roof.pdf; Permit 20-1730 Plans Sun Roof.pdf; VC Property Appraisers Summary.pdf; real estate listing lively-Gerne11e.pdf; Real Estate Listing compass.com.pdf; Porch before -pictures .pdf; Pictures of finished porch .pdf; Pictures of shed before and after .pdf; Exhibit 2 Survey 3047 Orange Tree Lutsky.pdf

Please look into this this week and let me know what you find out.

Miron San Miguel

City of Edgewater – Supervisor Code Enforcement & Animal Control Division  
Volusia Flagler County Association of Code Enforcement Secretary  
Office. 386-410-3771 / Mobile 386-895-1408 [msanmiguel@cityofedgewater.org](mailto:msanmiguel@cityofedgewater.org)

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**From:** Anna Hoffman  
**Sent:** Thursday, April 24, 2025 06:23  
**To:** Miron San Miguel  
**Subject:** 3047 Orange Tree Gary Lutsky

Hello Miron,

As per our conversation last time you were out; regarding Mr Lutsky not having a permit for enclosing the screened in porch. Attached you will find the evidence that I have uncovered.

I'm not sure about the shed. My research found contradictory information. But the shed was enlarged without a permit as well; originally it was a 10x8, it now is a 12x8. I have enclosed pictures and evidence for that as well.

Attached you will find:

1. City of Edgewater Permit List
2. City of Edgewater Permit Application Sun Roof
3. Plans for permit Sun Roof
4. Volusia County Property Appraisers Summary
5. Real Estate Listing of when property was sold to Mr Lutsky- By an Real Estate agent from Lively
6. A Real estate listing from Compass.com description of property before it was sold to Mr Lutsky
7. Pictures of the porch before it was sold to Mr Lutsky
8. pictures of the porch now. It has walls and windows.
9. Pictures of Shed before Mr Lutsky enlarged it
10. The Original Survey for the house April 3, 1984

As you can see from the attachments he did not apply for permits for either of these projects.

The previous owner put the screened in porch in on 12/7/1995 permit number 95-01488 and the shed was put in 2005-2006 permit no 2005-2903

I would like to apologize for my behavior last week but we are at the end of our rope with Mr Lutsky. It doesn't make it right but we are so tired of his antics and being a nuisance to our neighborhood and our community. I want you to understand that a lot of us neighbors have been here over 25 years and we never had any issues not with our neighbors or our law enforcement or code. He has been here 5 years in June and it has been nothing but stress and aggravation. He is not an easy person to deal with. You should all agree to that.

I would like to say that we didn't appreciate the comments about our properties. By appeasing him it gives him ideas against us and it is making it harder for us.

Should you need to speak with me my numbers are listed below.  
Thank you

Anna P. Hoffman  
Home (386) 423-9835  
Cell (386) 689-6188

DATE: 5/21/25

PLAN REVIEW CORRECTIONS REPORT

PAGE 1

CITY OF EDGEWATER

P O BOX 100

EDGEWATER

FL 32132

-----  
APPLICATION NBR . . : 25-00001237  
ADDRESS . . . . . : 3047 ORANGE TREE DR  
APPLICATION DATE . : 5/08/25  
APPLICATION TYPE . . : SHED SITE BUILT  
-----

OWNER . . . . . : LUTSKY GARY J  
3047 ORANGE TREE DR  
EDGEWATER FL 32141

CONTRACTOR . . . . . :

-----  
AGENCY NAME: STORM WATER REVIEW

DATE ACTION ACTION BY

-----  
5/12/25 REQUEST FOR CORRECTIONS TOMMY SMITH  
5/12/2025, 11:35:44 AM EDGEDLM  
STORMWATER RFC: MUST MEET SET BACKS.



DATE: 6/16/25

PLAN REVIEW CORRECTIONS REPORT

PAGE 1

CITY OF EDGEWATER

P O BOX 100

EDGEWATER

FL 32132

-----  
APPLICATION NBR . . . : 25-00001237  
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APPLICATION DATE . . : 5/08/25  
APPLICATION TYPE . . : SHED SITE BUILT  
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OWNER . . . . . : LUTSKY GARY J  
3047 ORANGE TREE DR  
EDGEWATER FL 32141

CONTRACTOR . . . . . :

-----  
AGENCY NAME: PLANNING & ZONING RE

DATE ACTION ACTION BY

-----  
6/13/25 REQUEST FOR CORRECTIONS DILENA L TALLEY  
6/13/2025, 11:17:31 AM EDGEDLT

PER ARTICLE VII, SECTION 21-71.02 - Non-Conforming Structure  
"c. Expansions. Any expansion of a nonconforming structure shall be in conformance with the provisions of this Article. This shall not prevent expansion as long as the nonconformity is not increased. A nonconforming structure may be altered or enlarged into a required setback which already contains an encroachment as long as the existing setback is not reduced further."

AND PER ARTICLE III, SECTION 21-36.02- General Regulations

"l. Storage sheds of 200 sq. ft. or less and not utilized as a garage may be located five (5') feet from rear and side property lines."

"g. No accessory structure may be located in any front yard in any zoning district."

PLEASE UPDATE THE PLANS TO AN EXACT SIZE REPLACEMENT OR AN APPROVED VARIANCE FOR THE INCREASED SIZE AND LOCATION OF THE SHED.

DATE: 5/21/25

PLAN REVIEW CORRECTIONS REPORT

PAGE 1

CITY OF EDGEWATER

P O BOX 100

EDGEWATER

FL 32132

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ADDRESS . . . . . : 3047 ORANGE TREE DR  
APPLICATION DATE . : 5/08/25  
APPLICATION TYPE . . : SHED SITE BUILT  
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OWNER . . . . . : LUTSKY GARY J  
3047 ORANGE TREE DR  
EDGEWATER FL 32141

CONTRACTOR . . . . . :

-----  
AGENCY NAME: PLANNING & ZONING RE

DATE ACTION ACTION BY

-----  
5/14/25 REQUEST FOR CORRECTIONS DILENA L TALLEY  
5/14/2025, 2:33:42 PM EDGEDLT

PER ARTICLE 21-36.02 1. Storage sheds of 200 sq. ft. or less  
and not utilized as a garage may be located five (5') feet  
from rear and side property lines.

DATE: 5/21/25

PLAN REVIEW CORRECTIONS REPORT

PAGE 1

CITY OF EDGEWATER

P O BOX 100

EDGEWATER

FL 32132

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APPLICATION NBR . . : 25-00001237  
ADDRESS . . . . . : 3047 ORANGE TREE DR  
APPLICATION DATE . : 5/08/25  
APPLICATION TYPE . . : SHED SITE BUILT  
-----

OWNER . . . . . : LUTSKY GARY J  
3047 ORANGE TREE DR  
EDGEWATER FL 32141

CONTRACTOR . . . . . :

-----  
AGENCY NAME: BUILDING PLAN REVIEW

DATE ACTION ACTION BY

-----  
5/08/25 REQUEST FOR CORRECTIONS SHAUN MILLIGAN  
5/8/2025, 1:47:40 PM EDGESEM  
Need engineered plans to review.



Volusia County Property Appraiser

123 W. Indiana Ave., Rm. 102

DeLand, FL. 32720

Phone: (386) 736-5901 Web: [vcpa.vcgov.org](http://vcpa.vcgov.org)

AltKey: 3944551

Parcel ID: 840201105190

LUTSKY GARY J

3047 ORANGE TREE DR, EDGEWATER, FL

### Parcel Summary

Alternate Key:	3944551
Parcel ID:	840201105190
Township-Range-Section:	18 - 34 - 02
Subdivision-Block-Lot:	01 - 10 - 5190
Owner(s):	LUTSKY GARY J - FS - Fee Simple - 100%
Mailing Address On File:	3047 ORANGE TREE DR EDGEWATER FL 32141
Physical Address:	3047 ORANGE TREE DR, EDGEWATER 32141
Property Use:	0100 - SINGLE FAMILY
Tax District:	604-EDGEWATER
2024 Final Millage Rate:	18.5435
Neighborhood:	4743
Subdivision Name:	
Homestead Property:	Yes



**CITY OF EDGEWATER**

**CODE ENFORCEMENT**

CITATION # **0536**

25-122216



City of Edgewater  
Affidavit of Service  
Citation / Notice of Hearing



Case No. 25-122216

Address/Location of Violation 3047 ORANGE TREE DR  
Edgewater, Florida

Pursuant to Florida Statute 162.12(1)(a)-(d), the Citation/Notice of Hearing was hand delivered and posted by:

- ☐ Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;
- ☐ Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice;
- ☐ In the case of commercial premises, leaving the notice with the manager or other person in charge.

Date: \_\_\_\_\_

☒ Certified mail, and at the option of the local government return receipt requested, to the address listed in the tax collector's office for tax notices or to the address listed in the county property appraiser's database. The local government may also provide an additional notice to any other address it may find for the property owner.

In addition to the aforementioned the Citation/Notice of Hearing has been posted at:

☒ Pursuant to Florida Statute 162.12(2)(b)(1), a copy of the citation / notice of hearing was properly posted at least ten days prior to the expiration of any deadline or hearing;

☒ On the real property listed above upon which the alleged violation exists;

☒ City Hall, 104 North Riverside Drive, Edgewater, Florida.

Date: 7-9-25

R. Hazelwood

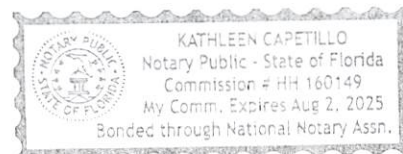
Print Name / Signature / Date

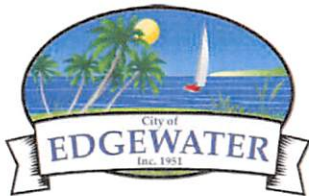
I, Kathleen Capetillo, a Notary Public of Volusia County within the State of Florida, hereby certify that R. Hazelwood, who is personally known to me, who, after being duly sworn, did thereupon say that the information contained in the foregoing affidavit is true.

Witness my hand and official seal dated: July 9, 2025

[Signature]  
Notary Public

SEAL





City of Edgewater  
Affidavit of Service  
NOTICE OF VIOLATION



Case No. 25-122216 Address/Location of Violation 3047 Orange Tree Dr  
Edgewater, Florida

Pursuant to Florida Statute 162.12(1)(a)-(d), the Notice of Violation was hand delivered and posted by:

- ☒ Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the local governing body;
- ☐ Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice;
- ☐ In the case of commercial premises, leaving the notice with the manager or other person in charge.

Date: \_\_\_\_\_

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☒ City Hall, 104 North Riverside Drive, Edgewater, Florida.

Date: 5/15/25

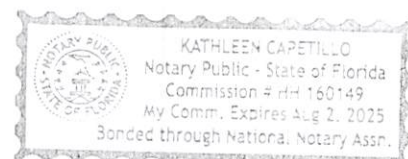
R. Hazelwood [Signature]  
Print Name / Signature / Date

I, Kathleen Capetillo, a Notary Public of Volusia County within the State of Florida, hereby certify that  
R. Hazelwood, who is personally known to me, who, after being duly sworn, did thereupon say that the  
information contained in the foregoing affidavit is true.

Witness my hand and official seal dated: May 5, 2025

[Signature]  
Notary Public

SEAL





CITY OF EDGEWATER  
CODE ENFORCEMENT DIVISION  
1605 S. Ridgewood Ave.  
Edgewater, FL 32132-0100

**CERTIFIED MAIL®**



9589 0710 5270 1582 4777 99

Gary J Lutsky  
(25-122216 RH) Code Enf.  
3047 Orange Tree Dr.  
Edgewater, FL 32141