



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

January 17, 2018

Chairman Chad Lingenfelter called the regularly scheduled, Code Enforcement Board Meeting to order at 9:30 a.m. in the County Council Chambers, Second Floor, Thomas C Kelly Administration Building

MEMBERS PRESENT

**Harry Wild, Jr., Vice-Chair
Donald Needham
Charles Cino, Board Attorney
Kenneth Runge
Pete Zahn
Chad Lingenfelter, Chair
Tom Wright**

MEMBERS ABSENT

STAFF PRESENT

**Chris Hutchison, Zoning Compliance Manager
Margaret Godfrey, Zoning Compliance Officer
Beverly Abrahamson, Building Compliance Officer
Russ Brown, Assistant County Attorney
Meghan Lindsey, Code Enforcement Board Clerk
Mike Nelson, Building and Zoning Director
Kerry Leuzinger, Chief Building Official
Michael Mazzola, Zoning Compliance Officer
Christopher Hooper, Zoning Compliance Officer
Tammy Proulx, Zoning Compliance Coordinator**

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APPROVAL OF MINUTES

Member Needham moved to APPROVE the November 20, 2017 Code Enforcement Board minutes. Member Runge SECONDED the motion that CARRIED unanimously by voice vote.

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All parties and witnesses who were to provide testimony were sworn in by the Clerk prior to any testimony being presented.

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UNFINISHED BUSINESS

CEB2017016-WORKMAN TERRY LEE

Posted

Complaint No. 20150602025

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Pool renovations)

Property Location: 3960 Sr 11, Deland 32724

Parcel No. 603801000493

Zoning: A-3

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Jun 05, 2015

*Order of Non-Compliance issued at the May 17, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the June 21, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the September 20, 2017 hearing:

*3rd Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

*Final Order Imposing Fine Lien issued at the November 15, 2017 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of December 22, 2017 hearing:

Order of Compliance

Based on a submitted Report and Affidavit of Compliance, Member Wild **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017039-KULL ALLEN D & DEBORAH D

Posted

Complaint No. 20160628006

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Permit #20130419008 for the electrical installation expired 1-14-14 and Permit #20160722032 for the windows expired 10-14-17)

Property Location: 1501 Old Kings Rd, Daytona Beach 32117

Parcel No. 424231010200

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jul 01, 2016

*Order of Non-Compliance issued at the November 15, 2017 hearing:

*The Board continued this case from the December 20, 2017 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of December 22, 2017 hearing:

Order of Compliance

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Based on a submitted Report and Affidavit of Compliance, Member Wild **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017117-HOFFMANN FREDERICK TR

Posted

Complaint No. 20170227049

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)

Property Location: 3870 N Us 17, Deland 32720

Parcel No. 601903000240

Zoning: B-4C

Building Compliance Officer – Christopher R. Hooper

Property owner was first notified of the violation on April 13, 2017

*Order of Non-Compliance issued at the May 17, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the June 21, 2017 hearing:

*Final Order Imposing Fine Lien issued at the December 20, 2017 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of December 21, 2017 hearing:

Order of Compliance

Based on a submitted Report and Affidavit of Compliance, Member Wild **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017193-BAXTER JOHN G

Served

Complaint No. 20170606001

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-282 Fence that is facing the wrong way

Property Location: 31 Sandra Dr, Ormond Beach 32176

Parcel No. 324102000380

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jul 05, 2017

*Order of Non-Compliance issued at the September 20, 2017 hearing:

*Final Order Imposing Fine Lien issued at the October 18, 2017 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 8, 2017 hearing:

Order of Compliance

Based on a submitted Report and Affidavit of Compliance, Member Wild **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017249-ETTCON & CO. LLC

Served

Complaint No. 20170705003

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA, CHAPTER 22, ARTICLE X, SECTION 22-706 Posting of assigned building address numbers.

Property Location: 3074 Ocean Shore Blvd, Ormond Beach 32176

Parcel No. 322101000460

Zoning: R-6

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jul 12, 2017

*Order of Non-Compliance issued at the October 18, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the November 15, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the December 20, 2017 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of December 20, 2017 hearing:

Order of Compliance

Based on a submitted Report and Affidavit of Compliance, Member Wild **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017291-GEORGE HAZEL L

Posted

Complaint No. 20170620023

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 Vehicle(s) that is inoperative and/or without current state license tag

Property Location: 39 Briggs Dr, Ormond Beach 32176

Parcel No. 322804000210

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jun 26, 2017

*Order of Non-Compliance issued at the December 20, 2017 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of December 26, 2017 hearing:

Order of Compliance

Based on a submitted Report and Affidavit of Compliance, Member Wild **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017361-JENKIN RALPH L

Served

Complaint No. 20171010061

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Business where not permitted. (Hair Salon

Property Location: 1423 Carlow Cir, Ormond Beach 32174

Parcel No. 311406000120

Zoning: PUD

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Nov 29, 2017

*Order of Non-Compliance issued at the December 20, 2017 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of January 5, 2018

Order of Compliance

Based on a submitted Report and Affidavit of Compliance, Member Wild **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017095-ODOM JANET M

Served

Complaint No. 20170125024

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)(shed)

Property Location: 1203 Olen Dr, Daytona Beach 32117

Parcel No. 523701000090

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Feb 06, 2017

*Order of Non-Compliance issued at the December 20, 2017 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of January 10, 2018

Order of Compliance

Based on a submitted Report and Affidavit of Compliance, Member Wild **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017101-OCCHIOGROSSO VINCENT & KRISTIN

Served

Complaint No. 20161114022

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Expired permit #20050422056 210sf addition

Expired permit #20040721052 detached garage)

Property Location: 409 Palm Av, Ormond Beach 32174

Parcel No. 423807190020

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Dec 06, 2016

*Order of Non-Compliance issued at the June 21, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

*3rd Amended Order of Non-Compliance issued at the September 20, 2017 hearing:

*4th Amended Order of Non-Compliance issued at the November 15, 2017 hearing:

* A Report and Affidavit of Compliance was submitted with a compliance date of January 17, 2018.

Order of Compliance

Based on a submitted Report and Affidavit of Compliance, Member Wild **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017296-CONFIDENTIAL DATA F.S. 119.07

Posted

Complaint No. 20170814047

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (A) Parking truck tractor, semi-trailer, commercial bus, cutaway van, or chassis cab, truck where not permitted

Property Location: 1060 Country Ranch Rd, Deleon Springs 32130

Parcel No. 600700000224

Zoning: A-3

Zoning Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on September 25, 2017

*Order of Non-Compliance issued at the December 20, 2017 hearing:

* A Report and Affidavit of Compliance was submitted with a compliance date of January 16, 2018.

Order of Compliance

Based on a submitted Report and Affidavit of Compliance, Member Wild **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2016163-BROWNING GERTRUD TR & GERTRUD BROWNING REVOC TRUST
Posted

Complaint No. 20120229006

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)- (Deck & stairs for dune walkover)

Property Location: 7103 S Atlantic Av, New Smyrna Beach 32169

Parcel No. 850501190030

Zoning: R-9W

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Jun 01, 2013

*Order of Non-Compliance issued at the November 16, 2016 hearing:

*1st Amended Order of Non-Compliance issued at the December 21, 2016 hearing:

*2nd Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

*3rd Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

A permit was issued and is valid until May 19, 2018. Beverly stated that she received a phone call from the contractor the day before and he said that they were ready for a final inspection. Staff is recommending a fourth amended order of non-compliance with a hearing to impose fine set for June 20, 2018.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Fourth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the June 20, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2016172-TIFFANY ROGER LEE & DEBRA LEIGH

Served

Complaint No. 20160405076

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241-Pod in the driveway

Property Location: 1323 Derbyshire Rd, Daytona Beach 32117

Parcel No. 424219380110

Zoning: R-5

Zoning Compliance Coordinator - Tammy Proulx

Property owner was first notified of the violation on Apr 12, 2016

*Order of Non-Compliance issued at the August 16, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the September 20, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

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Tammy Proulx, Zoning Compliance Coordinator, presented the case.

Tammy stated that her last inspection of the property was the day before, and that the site and conditions remain unchanged. She said that Mr. Tiffany is working on the junkyard, but it's still in violation. Staff is recommending a fine of \$25.00 per day, not to exceed \$2,500.00, to commence on February 22, 2018.

The board discussed what has been removed from the property with Tammy.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day with a cap of \$2,500.00 to begin on February 22, 2018.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2016226-TIFFANY ROGER LEE & DEBRA LEIGH

Served

Complaint No. 20161014003

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted

Property Location: 1323 Derbyshire Rd, Daytona Beach 32117

Parcel No. 424219380110

Zoning: R-5

Zoning Compliance Coordinator - Tammy Proulx

Property owner was first notified of the violation on Apr 12, 2016

*Order of Non-Compliance issued at the August 16, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the September 20, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Tammy Proulx, Zoning Compliance Coordinator, presented the case.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day with a cap of \$2,500.00 to begin on February 22, 2018.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017060-464 SPRING GARDEN LLC

Served

Complaint No. 20161220058

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II
DIVISION 7 SECTION 72-241 Junk yard where not permitted

Property Location: 464 S Spring Garden Av, Deland 32720

Parcel No. 701814020010

Zoning: B-4,B-4C

Zoning Compliance Officer – Beverly J Abrahamson

Property owner was first notified of the violation on Mar 17, 2017

*The Board continued this case from the May 17, 2017 hearing:

*Order of Non-Compliance issued at the June 21, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

*3rd Amended Order of Non-Compliance issued at the September 20, 2017 hearing:

*4th Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

There have been applications for permits that have been submitted, for two of the structures. The other structure has not been taken down yet. The permits are awaiting conceptual site plans for review. Staff has met on site. Beverly explained the pictures from her presentation to the board. Beverly said that Stephanie, the property owner's representative, met with one of the planners to discuss how to get a site plan for what is already on the property. Staff is recommending a fine of \$50.00 per day, per case to begin on March 22, 2018, not to exceed \$3,500.00. Although Beverly stated that staff would also be comfortable with giving more time as progress is being made, now that Stephanie is on board.

Beverly explained to the board what progress has been made on the property.

Stephanie Riley gave her name and mailing address for the record. Ms. Riley said that Mr. Guess was going to do B-5 zoning, but the property is not a junkyard; she said that the vehicles are not repaired on site. She said that Mr. Guess is guilty of buying cars and storing them there for too long. Ms. Riley said that because they don't fix anything on the property, they need to keep the B-4 zoning and not switch to B-5. She explained to the board that they needed more time to create a conceptual site plan. Ms. Riley said that with a conceptual site plan, and if they continue to clean the property up, she believes that the property could be cleaned up in the next few months.

The board discussed the various departments that Ms. Riley would need to work with to bring the property into compliance. The board discussed a timeframe with Ms. Riley. Ms. Riley said that Beverly is welcome on the property at any time.

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Beverly explained to the board, which structures on the property were permitted. Ms. Riley explained what they were going to do, with the structures already present on the property.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Fifth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017063-464 SPRING GARDEN LLC

Served

Complaint No. 20161220056

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291 Retail/Wholesale sales without the required site plan approvals.

Property Location: 464 S Spring Garden Av, Deland 32720

Parcel No. 701814020010

Zoning: B-4,B-4C

Zoning Compliance Officer – Beverly J Abrahamson

Property owner was first notified of the violation on Mar 17, 2017

*The Board continued this case from the May 17, 2017 hearing:

*Order of Non-Compliance issued at the June 21, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

*3rd Amended Order of Non-Compliance issued at the September 20, 2017 hearing:

*4th Amended Order of Non-Compliance issued at Oct 18, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Fifth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-291.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017064-464 SPRING GARDEN LLC

Posted

Complaint No. 20130530032

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s).
(Accessory structures

Property Location: 464 S Spring Garden Av, Deland 32720

Parcel No. 701814020010

Zoning: B-4,B-4C

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Jun 06, 2013

*The Board continued this case from the May 17, 2017 hearing:

*Order of Non-Compliance issued at the June 21, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

*3rd Amended Order of Non-Compliance issued at the September 20, 2017 hearing:

*4th Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Fifth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017091-PERRYMAN OWEN JOSEPH & KAY

Served

Complaint No. 20160725004

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)Construction without the required permit (s) and/or inspection approval (s).
(Expired permits: #20130131020 ELEC & 20140210029 RES)

Property Location: 898 Snook Av, New Smyrna Beach 32169

Parcel No. 850501540190

Zoning: R-9W

Building Compliance Officer – Debbie Zechnowitz

Property owner was first notified of the violation on Jul 28, 2016

*Order of Non-Compliance issued at the June 21, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

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Chris Hutchison, Code Administration Manager, presented the case. One permit has been finalized while the other two, are still valid. Staff is recommending a third amended order of non-compliance with a hearing to impose fine scheduled for April 18, 2018.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Third Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017118-FERGUSON LEE R & CAROL M

Served

Complaint No. 20161202014

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s) (Docks, boat slip & boat lift)

Property Location: 4222 S Peninsula Dr, Port Orange 32127

Parcel No. 631204004281

Zoning: R-3(S), RC(S)

Zoning Compliance Coordinator – Tammy Proulx

Property owner was first notified of the violation on December 7, 2017

*Order of Non-Compliance issued at the December 20, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Tammy Proulx, Zoning Compliance Coordinator, presented the case.

A new application for a permit, was submitted on December 20, 2017; the permit is currently in zoning review. Staff recommends a fine of \$50.00 per day to commence on February 22, 2018, not to exceed \$37,000.00. The board asked Tammy about the fine and she explained why she was recommending one to commence.

The respondents gave their names and mailing address for the record. Mr. Ferguson explained that they didn't realize that they needed a new survey. Mr. Ferguson explained to the board, that an engineer had been out to the property. He explained that the engineer said that the dock is workable and there are no problems with it. Mr. Ferguson said that he then found out, that they needed a survey. He said that the surveyor wouldn't be able to come out for 2-3 weeks.

Tammy explained what the respondents need to do to bring the property into compliance.

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Based on the evidence and testimony provided, Member Wild **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017136-MORIN RICHARD J

Served

Complaint No. 20170221029

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)

Converted pole barn into living space

Property Location: 475 Yorkshire Dr, Lake Helen 32744

Parcel No. 71330000029

Zoning: A-2

Building Compliance Officer – Michael Mazzola

Property owner was first notified of the violation on Feb 25, 2017

*Order of Non-Compliance issued at the July 19, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

As of January 5, 2018, Mr. Morin does not have plans for the house; there are no permits on file. Staff recommends a fine in the amount of \$50.00 per day, to commence on February 22, 2018, not to exceed \$12,500.00.

The respondent gave his name and mailing address for the record. Mr. Morin said that he had to do some repairs from the hurricane; he stated that he's ready for staff to do an inspection and bring the property into compliance.

Michael asked Mr. Morin if he had a contractor. Mr. Morin said that he did. Michael stated that the contractor has to get permits and things like that.

Michael and the board explained to Mr. Morin, that there had to be permits before staff could conduct a final inspection on the property.

Chair Lingenfelter, explained what the process would be to bring the property into compliance. Member Zahn also explained that a set of permit drawings would be needed.

The board asked Mr. Morin what he had accomplished since the October 2017, code

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enforcement board hearing. Mr. Morin explained his progress. Member Zahn explained staff's recommendation and expressed doubts that Mr. Morin would be able to bring the property into compliance by February. Mr. Morin explained that he thought he only needed an affidavit stating that the structure was safe; he said that he didn't know that he needed engineer plans and a permit. Member Wild explained to Mr. Morin that there has been no affidavit submitted to staff.

Member Needham explained that Mr. Morin should not leave today, without a clear understanding of what staff expects of him.

Mike Nelson, Building and Zoning Director, suggested that Mr. Morin contact Kerry Leuzinger, Chief Building Official, for requirements.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017198-LIVELY MARIA JO & ANGELA S

Served

Complaint No. 20170227044

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (New mobile home)

Property Location: 300 Uranus Tr, Osteen 32764

Parcel No. 92170000032

Zoning: ORE

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Mar 07, 2017

*Order of Non-Compliance issued at the September 20, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the November 15, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

An application for a permit was submitted on January 16, 2018, for replacing the mobile home. The application, is going through the review process at this time. Staff is recommending a second amended order of non-compliance with a hearing to impose fine scheduled for March 21, 2018.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be**

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scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017204-TOSSI CRAIG

Posted

Complaint No. 20170511039

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Expired permit #20070618054)

Property Location: 1350 Marsh Fern Rd, Mims 32754

Parcel No. 032101050020

Zoning: FR

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on May 15, 2017

*Order of Non-Compliance issued at the September 20, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the November 15, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

A new permit is required with drawings, which have to be updated to comply with the newest Florida Building Code. There has been no application for a permit submitted to date. The old permit is still showing expired. Staff is recommending a fine of \$50.00 per day, not to exceed \$12,500.00, to begin on February 22, 2018.

Member Wild asked if the property owner had been in contact with Beverly. She said that she had spoken with him the day before. Mr. Tossi explained that he had some issues that he was dealing with and that he just didn't have the time to get to it.

After discussion and based on the testimony and evidence presented, Member Runge **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day with a cap of \$12,500.00 to begin on February 22, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017219-BONANZA JOSEPH M JR

Posted

Complaint No. 20170511043

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Expired permit #20121105028

Property Location: 847 S Sr 415, New Smyrna Beach 32168

Parcel No. 820101020470

Zoning: A-3

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on June 5, 2017

*Order of Non-Compliance issued at the September 20, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the November 15, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

A new permit is required with updated drawings, to comply with the newest Florida Building Code requirements. There have been no applications for permits submitted to date. Beverly stated that she's had no contact with Mr. Bonanza. Staff is recommending a fine of \$50.00 per day, to commence on February 22, 2018, not to exceed \$5,000.00.

After discussion and based on the testimony and evidence presented, Member Runge **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day with a cap of \$5,000.00 to begin on February 22, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017225-GEORGE HAZEL L

Posted

Complaint No. 20170620022

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted

Property Location: 39 Briggs Dr, Ormond Beach 32176

Parcel No. 322804000210

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jun 26, 2017

*Order of Non-Compliance issued at the December 20, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

To date, the site and conditions remain the same. Staff is recommending a fine of \$25.00 per day, per case, to commence on February 22, 2018, not to exceed \$8,500.00 per case.

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Margaret explained that she took a picture on January 9, 2018, and it showed that things were just being moved around. Member Needham asked about the untagged vehicles. Maggie explained that the vehicles were gone. She explained that the problem has been ongoing and that she received another complaint on the property two days ago.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day with a cap of \$8,500.00 per case, to begin on February 22, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017340-GEORGE HAZEL L

Posted

Complaint No. 20171106036

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287(B) Maintaining a r/v, boat and/or trailer without current tags/validation sticker

Property Location: 39 Briggs Dr, Ormond Beach 32176

Parcel No. 322804000210

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on June 26, 2017

*Order of Non-Compliance issued at the December 20, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day with a cap of \$8,500.00 per case, to begin on February 22, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017123-SMITH DENNIS E & KAREN B

Served

Complaint No. 20161025070

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)

Property Location: 1530 Chestnut Av, Orange City 32763

Parcel No. 801600000053

Zoning: A-2

Building Compliance Officer – Michael Mazzola

Property owner was first notified of the violation on Nov 04, 2016

*Order of Non-Compliance issued at the June 21, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

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*2nd Amended Order of Non-Compliance issued at the October 18, 2017 hearing:
Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Michael used his pictures, to show the board which buildings Mr. Smith intends to have permitted. Michael pointed out that one of the applications was already in plans review. Michael showed the board a picture of the carport on the property, and explained that it is much more organized. He said that the items underneath the carport have been moved from the outside and you can walk through it.

Michael explained to Member Wild which structure was Ag. Exempt. Mr. Smith pointed to the structures in Michael's presentation and explained his plans for them.

Staff is recommending a third amended order of non-compliance with a hearing to impose fine/lien scheduled for April 18, 2018.

The respondent gave his name and mailing address for the record. Mr. Smith explained to the board what had been removed from the property. He said that Michael and Chris Hutchison came out the week before and inspected the property; he said that they seemed happy with his progress. He said that he intends to make the building on the left into a chicken coop and fence it in.

The board asked which structure was in plan review. Michael and Mr. Smith showed the board which structure was in review.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Third Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017235-SMITH DENNIS E & KAREN B

Served

Complaint No. 20170717029

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 Vehicle(s) that is inoperative and/or without current state license tag

Property Location: 1530 Chestnut Av, Orange City 32763

Parcel No. 80160000053

Zoning: A-2

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jul 20, 2017

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*Order of Non-Compliance issued at the October 18, 2017 hearing:
Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Michael explained the alleged violations on the property to the board. He showed the board pictures that he had taken the week before, during his site inspection. Michael said that there was some improvement since the last time he inspected the property. He said that a fence was put up and some metal was removed. Michael said he also noticed, that some of the buildings were becoming more organized.

Mr. Smith explained that he had thrown some items away. Michael said that Mr. Smith has been putting things in piles and having other things hauled away.

Staff is recommending a first amended order of non-compliance with a hearing to impose fine scheduled for April 18, 2018.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a compliance date of April 12, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Article II Sec 118-34.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017236-SMITH DENNIS E & KAREN B

Served

Complaint No. 20170717032

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Heavy equipment stored/parked where not permitted
Property Location: 1530 Chestnut Av, Orange City 32763

Parcel No. 801600000053 Zoning: A-2

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jul 20, 2017

*Order of Non-Compliance issued at the October 18, 2017 hearing:
Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a compliance date of April 12, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017237-SMITH DENNIS E & KAREN B

Served

Complaint No. 20170717033

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted

Property Location: 1530 Chestnut Av, Orange City 32763

Parcel No. 801600000053

Zoning: A-2

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jul 20, 2017

*Order of Non-Compliance issued at the October 18, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a compliance date of April 12, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017239-ANDERSON RUTH S

Served

Complaint No. 20170208035

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). (Partial roof collapse)

Property Location: 18 Sunny Shore Dr, Ormond Beach 32176

Parcel No. 420306001250

Zoning: R-4

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Feb 17, 2017

*Order of Non-Compliance issued at the October 18, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the December 20, 2017 hearing:

Hearing to Impose Fine/Lien

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The respondent was not present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

An application for a permit was submitted on December 1, 2017. Staff is recommending a second amended order of non-compliance with a hearing to impose fine scheduled for March 21, 2018.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017247-OGEA MYLES & ELIZABETH

Posted

Complaint No. 20170713013

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Remodel/renovation)

Property Location: 7 Hillside Dr, New Smyrna Beach 32169

Parcel No. 743503030270

Zoning: R-4W

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Aug 07, 2017

*Order of Non-Compliance issued at the October 18, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the November 15, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

A permit is valid until July 15, 2018. Staff is recommending a second amended order of non-compliance with a hearing to impose fine scheduled for August 15, 2018.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the August 15, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017248-MILLER ROBERT J JR & TRICIA R

Posted

Complaint No. 20160923034

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s) (Pre-fab metal structure)

Property Location: 3845 Sr 44, New Smyrna Beach 32168

Parcel No. 722301010100

Zoning: A-1C

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Sep 29, 2016

*Order of Non-Compliance issued at the October 18, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Chris Hutchison, Code Administration Manager, presented the case.

There has been no contact with the property owner, since the October 18, 2017 code enforcement board hearing. There have been no applications for permits. Staff is recommending a fine in the amount of \$50.00 per day, to commence on February 22, 2018, not to exceed \$15,000.00.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day with a cap of \$15,000.00 per case, to begin on February 22, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017258-HOOKER ELIZABETH M

Served

Complaint No. 20170620053

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). Roof

Property Location: 10 Seabreeze Dr, Ormond Beach 32176

Parcel No. 324105000670

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Sep 15, 2017

*Order of Non-Compliance issued at the November 15, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

On January 8, 2018, staff received a phone call from Ms. Hooker, stating that she had just found a contractor to begin the process of demolition and rebuilding the property. She said

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that she had a few things to do, but that she would keep Margaret informed via e-mail, on the progress being made with the property. Staff is recommending a first amended order of non-compliance with a hearing to impose fine scheduled for February 21, 2018.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the February 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017302-DAJOMA INC

Posted

Complaint No. 20160415034

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). (Mobile homes within Mobile Home Park)

Property Location: 2 Tropic Winds Dr. Port Orange 32128

Parcel No. 62260000032

Zoning: MH-4

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on May 26, 2016

*Order of Non-Compliance issued at the December 20, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

Mr. D'Hondt allowed Beverly and Chief Building Official, Kerry Leuzinger, on site to conduct an inspection. Staff explained to Mr. D'Hondt the importance of having a plan that is executable so that he can follow this plan; to make sure that the project keeps moving toward overall compliance. Staff is recommending a first amended order of non-compliance, with a hearing to impose fine scheduled for April 18, 2018.

The board asked Beverly if she thought any of the structures might be habitable. Beverly stated that she didn't believe that they are habitable, but that Mr. D'Hondt believes they are.

The respondent gave his name and mailing address for the record.

Mr. D'hondt said that his plan is to reopen the mobile home park, but on a much smaller scale. He said that he needs to earn income from the property as soon as possible. Mr. D'hondt said that there is a mobile home in the front of the park, which uses a septic tank; he said that the unit could be repaired and then rented, which would provide funds needed to fix up the rest of the park. He said that he will continue to clean up the park and mow the grass.

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Mr. D'hondt explained that he wanted to rehabilitate the salvageable units and also repair the wastewater plant. He stated that there are a lot of pre-conditions that need to be taken care of before he can move forward with his plan.

Member Wild asked how many mobile homes are habitable. Mr. D'hondt said that three were questionable, but that the others are repairable. Using the aerial view, Mr. D'hondt explained to the board why he believed that so many of the units could be repaired; he indicated which of the units needed to be demolished.

Mr. D'hondt explained the various trespassing events that have occurred on the property. The board expressed their concern for the safety of children or anyone else that might come onto the property. Mr. D'hondt explained that 15 year olds had trespassed to play paintball, but that he had run them off; he said that he would have to remain vigilant.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a Compliance date of April 13, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017304-RATHBURN WAYNE A

Posted

Complaint No. 20170424045

Violation of ORDINANCE: Code OF Ordinance-County of Volusia Chapter 58, Health & Sanitation SEC. 58-36: Violations and Declaration of Nuisance. Article II Grass/weeds in excess of 12 inches, yard trash, rubble, debris, and/or waste

Property Location: Central Pkwy, Deland 32724

Parcel No. 700103380340

Zoning: R-4

Zoning Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on May 26, 2017

*Order of Non-Compliance issued at the December 20, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case.

Christopher inspected the property on January 8, 2018, and the site and conditions remain unchanged. There have been no permits to clear the property to date. Christopher stated that he still has not been able to contact anyone in regard to the property. Staff is recommending a fine of \$100.00 per day, to commence on February 22, 2018, not to exceed \$5,000.00.

The board expressed concerns that the fine might be a little high for mowing the grass.

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Mike Nelson, Building and Zoning Director, said that staff would be fine with a lesser amount.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day not to exceed \$5,000.00, to begin on February 22, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017306-VU MINH & FLORES LIVIA

Served

Complaint No. 20150825034

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). (Fire damaged SFR)

Property Location: 1910 Calle Alto Vista, Deland 32724

Parcel No. 603501340120

Zoning: R-4

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Sep 01, 2015

*Order of Non-Compliance issued at the December 20, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

The permit was reinstated, it is now valid until July 15, 2018. There was an inspection that was approved, which resulted in the additional 6 months. Staff is recommending a first amended order of non-compliance with a hearing to impose fine set for August 15, 2018.

The respondents gave their names and address for the record. The respondents agreed with Beverly's explanations of the current events, surrounding the property.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an First Amended Order of Non-Compliance and a Hearing to Impose Fine/Lien to be scheduled for the August 15, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017307-DONOVAN OLGA PATRICIA

Posted

Complaint No. 20170720043

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). (2nd story balcony/roofing, etc.

Property Location: 117 Imperial Heights Dr, Ormond Beach 32176

Parcel No. 322107000530

Zoning: R-4

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on August 21, 2017

*Order of Non-Compliance issued at the December 20, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

The deceased owner's son, contacted Beverly and informed her that he will be listing the property for sale. He said that he will give the potential new buyers, Beverly's contact information, so that they are aware of the violations on site. Staff is recommending a fine of \$50.00 per day, with a cap of \$23,000.00 to commence on February 22, 2018.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day not to exceed \$23,000.00, to begin on February 22, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

X. Hearings and Presentation of Filed Notices of Violations

CEB2017199-SERRA RONALD F & SHARON M

Served

Complaint No. 20170511028

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Expired permit #20011114019)

Property Location: 1761 Mitchell Ct, Port Orange 32128

Parcel No. 633001002220

Zoning: PUD

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on May 15, 2017

*The Board continued this case from the November 15, 2017 hearing:

*The Board continued this case from the December 20, 2017 hearing:

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

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This case began on September 20, 2000, with a complaint of interior remodel without permits or inspection approvals. A permit for adding a washtub to the hanger, was issued September 29, 2000. On March 7, 2001, a building inspector noted that there was interior work within the single family residence being performed, that was not included with the permit. On May 7, 2001, an onsite inspection revealed that a number of existing interior walls had been removed. An application was submitted on November 14, 2001. On April 29, 2002, a permit was issued for additions and alterations. There have been multiple inspection approvals with only the final electric, plumbing and building inspections still remaining. The last approved inspection was on July 24, 2013; this permit expired on April 2, 2017.

The violation notice was generated and signed for on May 15, 2017. The notice of hearing was generated and signed for on July 28, 2017. At this point, we are not extending the permit, until we get an Order of Non-Compliance on the property. Staff is recommending a finding of non-compliance, with a compliance date of February 8, 2018 with a hearing to impose fine/lien scheduled for February 21, 2018

The respondent gave her name and mailing address for the record; Mrs. Serra gave information. Mrs. Serra said that she was only there to ask for a 90 day extension for her next inspection for the electric. She said that it's all pretty much completed and that the pictures are not up to date. She said that they had plans and that all they did was remove a wall for the plumbing. Mrs. Serra said that they were waiting for their plans to be put in for their building permits. She said that they are doing all the work themselves, as homeowners.

Member Runge asked if anyone was living in the house. Mrs. Serra said that there is, and that it's habitable. She said that there isn't anything dangerous in it.

Member Wild discussed what Mrs. Serra needed to proceed with the project. She said that if we can get it reinstated that we can get it done.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of February 9, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the February 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017273-BIER GREGORY R

Served

Complaint No. 20170801016

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 A-3- Vehicle (s) that is inoperative and/or without current state license tag.

Property Location: 610 Cypress Av, Orange City 32763

Parcel No. 800900000350 Zoning: A-3

Zoning Compliance Officer – Michael Mazzola

Property owner was first notified of the violation on August 8, 2017

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

Michael used his pictures to show the board the abandoned vehicle with expired tags. Michael showed the board his pictures and explained the junkyard. Mr. Bier said that he runs a recycling business. Michael said that construction debris has been added to the property. Michael explained what specifically had been added to the property.

Member Wild asked if Mr. Bier has increased the violation. Michael said that he has. On July 7, 2017, Michael did an inspection with Mr. Bier. Mr. Bier said that he has a recycling business and that he's trying to sell his car. Michael told him to start recycling the metal, move the car and clear the junkyard.

On July 31, 2017, Michael inspected the property; the car with expired tags and the junk yard were still present. On August 1, 2017, a notice of violation was sent via certified mail; Mr. Bier received the notice on August 8, 2017. On September 28, 2017, Michael inspected the property; the site and conditions remained unchanged. On October 7, 2017, the notice of hearing was received and signed for by Mr. Bier.

On January 3, 2018, Michael called Mr. Bier; he was not interested in correcting the code violations. On January 4, 2018, Michael did an inspection on the property. Mr. Bier told Michael that he still recycles metals; they also discussed the car on the property. Mr. Bier told Michael not to come on his property again. Staff's recommendation is a finding of non-compliance, with a compliance date of March 5, 2018 and a hearing to impose fine/lien scheduled for March 21, 2018.

The board discussed the potential environmental issues surrounding the types of violations found on the property. Board Attorney, Charles Cino, advised the board to follow the normal procedure in regard to the case.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of March 5, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Article II Sec. 118.34.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017274-BIER GREGORY R

Served

Complaint No. 20170801016

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7, SECTION 72-241 A-3- Business where not permitted

Property Location: 610 Cypress Av, Orange City 32763

Parcel No. 800900000350 Zoning: A-3

Zoning Compliance Officer – Michael Mazzola

Property owner was first notified of the violation on August 8, 2017

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of March 5, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017275-BIER GREGORY R

Served

Complaint No. 20170801016

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7, SECTION 72-241 A-3- Junk yard where not permitted

Property Location: 610 Cypress Av, Orange City 32763

Parcel No. 800900000350 Zoning: A-3

Zoning Compliance Officer – Michael Mazzola

Property owner was first notified of the violation on August 8, 2017

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of March 5, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.**

After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017309-DONAHUE BRIAN

Served

Complaint No. 20170301008

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Expired roof permit.)

Property Location: 177 Mills Rd. Deland 32724

Parcel No. 603907000054 Zoning: R-4

Zoning Compliance Officer – Christopher R Hooper

Property owner was first notified of the violation on March 3, 2017

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case.

A complaint was received on February 27, 2017, for roof work being done on the property without a permit. A certified notice of violation was signed for on March 3, 2017. A permit for the reroof was applied for and issued on March 9, 2017; it expired on September 5, 2017.

Christopher contacted the owner on July 12, 2017; he stated that he was finished and needed a final inspection. The owner was notified by the Planning Department on August 3, 2017, that additional inspections were required; since the roof was completed without any inspections. Christopher has attempted to contact the owner a few times since then, but has not been able to reach him. Christopher inspected the property on January 8, 2018

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and the site and conditions remain unchanged; the permit is still expired. Staff is recommending a finding of non-compliance, with a compliance date of March 9, 2018 and a hearing to impose fine scheduled for March 21, 2018.

Based on the evidence and testimony provided, Member Runge **MOVED to issue an Order of Non-Compliance with a compliance date of March 9, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017311-VANCE EDWARD

Served

Complaint No. 20170317052

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted

Property Location: 64 Margaret Rd, Ormond Beach 32176

Parcel No. 323403000560

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Mar 24, 2017

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

On March 16, 2017, staff received a complaint about the carport being packed with junk. An onsite inspection on that same day, confirmed the violation. On March 24, 2017, a certified notice of violation was received and on April 4, 2017, Mr. Vance was given a 30 day extension to clean up the carport. Margaret stated that Mr. Vance did not clean up the carport. On November 2, 2017, the certified notice of hearing was received by Mr. Vance. On January 11, 2018, and onsite inspection showed that the carport had been cleaned up. Staff is recommending an Order of Non-Compliance and an Order of Dismissal.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance and an Order of Dismissal; recognizing that at the present time that the violation has been rectified.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017312-VAN CLEEFF DANNY

Served

Complaint No. 20151023049

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted

Property Location: 1543 Granada Av, Daytona Beach 32117

Parcel No. 424219030100

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on March 30, 2016

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

On October 21, 2015, staff received a complaint about the yard being full of junk. An onsite inspection that day, confirmed the violation. On October 23, 2015, a certified notice of violation was generated and mailed out. On November 30, 2015, the notice of violation was returned-unclaimed. On December 10, 2015, the property was posted with the notice of violation.

On March 30, 2016, staff received a call from Mr. Van Cleeff and what needed to be done on the property, was explained to him. He requested more time and was given 30 more days. On April 11, 2016, an inspection of the property showed some improvement. A September 19, 2016 inspection, showed that progress had slowed.

On December 29, 2016 staff spoke to Rebecca, who is a relative of Mr. Van Cleeff's; she asked for more time and was given 30 more days. On October 30, 2017, staff inspected the property and there was no change. On November 6, 2017, a notice of hearing was received by Mr. Van Cleeff. Margaret met with Mr. Van Cleeff on site on December 28, 2017; she explained what needed to be done on the property to achieve compliance. To date, the site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of February 12, 2018 and a hearing to impose fine/lien set for February 21, 2018.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of March 5, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.**

After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017335-PRATT ALMA K

Posted

Complaint No. 20170620011

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (E) Parking motor vehicle(s) on front yard, other than on driveway

Property Location: 1146 13th St, Daytona Beach 32117

Parcel No. 424286030220

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on October 12, 2017

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

On June 12, 2017, staff received a complaint about vehicles in the yard without tags. A June 16, 2017, site inspection confirmed the violation. On June 28, 2017 the certified notice of violation was returned, due to no such number; the violation was re-mailed. On August 11, 2017 the certified notice of violation was returned, unclaimed. The property was posted on October 12, 2017.

On November 10, 2017, a certified notice of hearing was generated and mailed out; the property was also posted with the notice of hearing that day. There has been no contact with the property owner and the site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of February 12, 2018 and a hearing to impose fine scheduled for February 21, 2018.

Member Wild asked if the car in the driveway was licensed and drivable. Margaret said no. Member Wild said that both cars seemed to be abandoned; he asked if anyone was living in the house. Margaret stated that the house appears vacant; she said that the house is secure, but the cars are just sitting there.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of February 12, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the February 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-287 (E).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017336-PRATT ALMA K

Posted

Complaint No. 20171012005

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 Vehicle(s) that is inoperative and/or without current state license tag

Property Location: 1146 13th St, Daytona Beach 32117

Parcel No. 424286030220

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on October 12, 2017

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of February 12, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the February 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Article II Sec. 118.34.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017342-WAGER MARK R

Posted

Complaint No. 20170315036

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Roof)

Property Location: 1319 10th St, Daytona Beach 32117

Parcel No. 520201000280

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Nov 15, 2017

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

On February 16, 2017 staff received a complaint about a reroof in progress, without evidence of permits or inspection approvals. On February 17, 2017, an inspection confirmed the violation. An inspection of the property on March 14, 2017, showed that the west side of the house had new shingles. On March 27, 2017, a certified notice of violation was received.

On April 6, 2017, staff received a voicemail from Mr. Wager; the call was returned and a message was left but there has been no further contact. On November 15, 2017, a certified notice of hearing was received. There are no permit applications to date; the site and

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conditions remain the unchanged. Staff is recommending a finding of non-compliance, with a compliance date of February 12, 2018 and a hearing to impose fine/lien on February 21, 2018.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of February 12, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the February 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017348-DAVIS HOMES LLC

Served

Complaint No. 20170418032

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Interior alterations to include electric, plumbing, HVAC and framing

Property Location: 13 Oak Tree Dr, New Smyrna Beach 32169

Parcel No. 743503030070

Zoning: R-4W

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on May 04, 2017

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

This case began in April of 2017, with an e-mail from a building inspector, who found work in progress with no evidence of permits or inspection approvals. The inspector found interior alterations underway including: electric, plumbing, mechanical and structural work. He posted a stop work order but no one was onsite, at the time. There have been four permits that have been issued, and at this point, all four of them have expired. There have been no inspections scheduled to date, for any of the four expired permits.

The certified notice of violation was generated and signed for on July 18, 2017. The certified notice of hearing was signed for on November 14, 2017. The property was also posted with the notice of hearing on November 13, 2017. Staff is recommending a finding of non-compliance, with a compliance date of February 9, 2018 and a hearing to impose fine/lien scheduled for February 21, 2018.

Chair Lingenfelter asked if staff would consider reopening the permits. Beverly said that once we find it in non-compliance, then we would reinstate the permit and hope for an inspection approval at some point.

The respondent gave his name and mailing address for the record. Mr. Davis said that his
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goal is to have the permits reinstated. He said that the reason why he didn't have the inspections done, is because he wanted to have them all completed at the same time. Mr. Davis said that he didn't have the work done before the permits expired; he said that time lapsed and he didn't get the inspections done. He said that a lot of the work is done. He said that the framing isn't finished because once the posting went up, they stopped working on it.

Member Zahn said that you pulled the permits, you did the work and you didn't get the inspections in time, so the permits expired. He explained To Mr. Davis the board's purpose and explained what would need to happen next.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of February 9, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the February 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017349-PAGNOTTI JOSEPH R

Posted

Complaint No. 20140513018

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Expired electric permit 20131101003 & propane tank installation

Property Location: 2 Sea Oats Ter, Ormond Beach 32176

Parcel No. 321605010840

Zoning: R-4

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Sep 16, 2015

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

This case began in May of 2014; the violation is for a propane tank that was installed with no evidence of permits or inspection approvals and an expired electrical permit. An electric permit was issued, but it expired without inspection approvals. There has been no application for a permit for the propane tank, submitted to date.

The certified notice of violation was mailed and signed for on September 16, 2015. The notice of hearing was posted on November 17, 2017. Staff is recommending a finding of non-compliance, with a compliance date of February 9, 2018 and a hearing to impose fine/lien scheduled for February 21, 2018.

The respondent gave his name and mailing address for the record. Mr. Pagnotti said that he believed that the property was inspected for the electrical permit. He said that he does

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not have the paperwork, but that he's had many permits and that they were all inspected. Mr. Pagnotti said that he doesn't have the paperwork anymore since it was from so long ago. He said that he never had a permit for the propane tank because he wasn't aware that he had to have one.

The board asked if the propane tank was buried. Mr. Pagnotti stated that it is above ground. Beverly explained to the board what Mr. Pagnotti's contractor would need to do, to move the project forward.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of February 9, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the February 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017350-KRALJEV MATTHEW F

Served

Complaint No. 20170711026

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s)

Property Location: 3916 Cardinal Blvd, Port Orange 32127

Parcel No. 631101030040 Zoning: R-9(S)

Zoning Compliance Coordinator - Tammy Proulx

Property owner was first notified of the violation on Jul 14, 2017

The respondent was present for the hearing.

Tammy Proulx, Code Compliance Coordinator, presented the case.

The property owner was first notified on July 14, 2017 and the property was posted with the notice of hearing on November 16, 2017. The site and conditions remain unchanged. Tammy said that she has been in touch with Mr. Kraljev and that there is a hearing with their insurance company in May. Staff is recommending a finding of non-compliance, with a compliance date of June 15, 2018 and a hearing to impose fine/lien on June 20, 2018.

Attorney Michael Ciocchetti, represented Mr. Kraljev. Mr. Ciocchetti explained that he is representing the respondent in the case against his insurance carrier. He explained that the case is set to go to trial the week of May 21st and that they're hoping for no continuances; he said that they want the matter resolved quickly. Mr. Ciocchetti explained that Mr. Kraljev would like to go back to his home, as his home has been uninhabitable since hurricane Matthew. He also explained that the insurance carrier has underpaid on Mr. Kraljev's claim, therefore he does not have the funds to repair this property. Mr. Ciocchetti said that he hoped toward the end of May that they'd have a result.

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Board Attorney, Charles Cino, asked if the lawsuit had been filed yet. Mr. Ciocchetti said that it has been and gave information on the docket and judge.

Member Wild asked if a finding of non-compliance would help or hurt the lawsuit. Mr. Ciocchetti said that he would say that it helps in terms of the lawsuit, at the risk of putting additional pressure on Mr. Kraljev to get the property back into compliance.

Mr. Cino asked if the house is secure. Mr. Ciocchetti said that Mr. Kraljev put plywood on the windows and that it is secure.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of June 15, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the June 20, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017351-MOWERY HOLLY JANE

Served

Complaint No. 20160912016

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Polebarn, change of use, addition of plumbing, 2 sheds and an above ground swimming pool)

Property Location: 725 Still Rd, Pierson 32180

Parcel No. 59040000310

Zoning: FR (4), RC

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Sep 15, 2016

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

The case began in September of 2016, when staff received a complaint that a pole barn had been converted into a living space. On September 8, 2016, an onsite inspection confirmed the violation. Beverly met with Mrs. Dennison, who allowed her access to the front portion of the property and into the pole barn. She found that the structure had an upstairs area with two bedrooms and a bathroom; the downstairs area had a living room, dining room and a kitchen area that had two full size refrigerators, cabinets, a microwave and a stove. There were two storage areas; one with a hot water heater installed. The structure now has interior and exterior walls and a roof over front porch, where it did not when it was permitted as an open pole barn back in 1999.

During this inspection, Beverly also found an above ground swimming pool, two sheds and an RV connected to power. Upon research she found a permit for a well; she also

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discovered that the pole barn was originally permitted for storage only. In 1991, there was an electrical permit for the well and the pole barn, but it was for Ag use only. In 2000, there was a permit for a mobile home. The mobile home was permitted for a wood deck, on the front and back. In 2000, a permit was also issued for an addition, but expired without a final inspection. There was also a permit issued in 2015, to upgrade the electric service in the pole barn. Another inspection on January 10, 2018, found that the above ground swimming pool, one of the two sheds and the RV had been removed. An application for a permit was submitted on January 4, 2018, for the remaining shed; it is going through the review process at this time.

The certified notice of violation was received and signed for on September 15, 2017. The certified notice of hearing was received and signed for on November 18, 2017. The property was also posted on November 21, 2017. Beverly has had multiple conversations with the property owner, but to date no permit applications have been submitted. An engineer has been hired but he has not been out to the property, as of January 10th.

Staff is recommending a finding of non-compliance, with a compliance date February 9, 2018 and a hearing to impose fine/lien scheduled for February 21, 2018. Staff would also recommend that the board require the electrical installations on the pole barn, to be inspected by a licensed electrical contractor or a State of Florida licensed engineer or architect; staff would ask that an affidavit certifying that the electric work is safe, be submitted within 10 days to the Chief Building Official. If this affidavit is not received, staff recommends that the electric to the pole barn be disconnected and the building be vacated.

The respondent gave her name and mailing address for the record. Mrs. Dennison stated that she has Universal Engineers coming in and they're going to create plans for the building. She said that the building is being used as storage and a place for her dogs. She said that if the electric is disconnected to the pole barn, that the electric to the well for the house on the hill, will be shut off too. Mrs. Dennison said that she doesn't stay there, but her cousin does to deter possible trespassing. She said that she's staying at her sister-in-law's and working on everything.

Mrs. Dennison said that they did try to pull a permit for the pole barn, but found out that they also needed drawings. Mrs. Dennison explained the purpose of the converted pole barn was for when family came to visit. Member Wild said that the county was going to see it as a second residence on one property due to the amenities within it.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of February 9, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the February 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. The board further ordered that an affidavit from a licensed electrician, certifying the electric is safe, be provided within 10 days; the structure must remain vacant, until the affidavit is received.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017352-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016008

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(C) Accessory building or structure on lot that does not have a completed principal structure. (Several abandoned vehicles along with a dilapidated lean-to and an RV)

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Oct 20, 2017

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

On October 11, 2017, staff received a complaint about a mobile home being parked on a property without permits or inspection approvals. The complaint also listed several abandoned vehicles and a 6' ft. privacy fence. A site visit on the same day confirmed the violations.

On October 20, 2017, the notice of violation was sent via certified mail and received by Mr. Crabtree. Staff received a phone call from Mr. Crabtree; he wanted to know what he needed to do, to bring the property into compliance. Margaret explained what Mr. Crabtree would need to do and he said that he would get started as soon as possible. There has been no contact since today's hearing. On November 17, 2017, the certified notice of hearing was generated and on that same day, the property was also posted with the notice of hearing. There have been no permit applications to date, and the site and conditions remain unchanged. Staff is recommending a finding of non-compliance with a compliance date of February 12, 2018 and a hearing to impose fine/lien scheduled for February 21, 2018.

The respondent gave his name and mailing address for the record. The board requested to see Margaret's pictures and she explained them. The board discussed whether or not

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parking a mobile home on the property, is a construction without permit violation or not. The board discussed the process for installing a mobile home on the property.

The respondent gave his name and mailing address for the record. Thomas Jones, spoke on behalf of the property owner. Mr. Jones explained that he had only been involved with the project since January 8, 2018 and that he didn't know why the people that delivered the unit did not obtain permits. He said that Mr. Crabtree has already paid the company and they are unwilling to correct the issue. Mr. Jones explained to the board, the progress that he had made, since he began working on the project. Member Zahn cautioned that all the improvements that Mr. Jones plans on making to the property require permits; he warned that the work should not be completed without applying for permits beforehand. Mike Nelson, Building and Zoning Director, explained that there should be no more construction on the property without permits. Mr. Jones said that they would not be doing any construction on the property without permits.

Mr. Jones said that a wrecker would be out to get the RV. He listed off the violations and explained that he would obtain permits. The board discussed the time that would be needed to obtain permits with Mr. Jones.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of March 15, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-277 (C).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017353-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016009

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-282 fence, wall or hedge over the maximum height allowed

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Oct 20, 2017

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of March 15, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-282.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017354-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016007

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Double wide mobile home without permits)

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Oct 20, 2017

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of March 15, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Article II Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017374-CZUPRYNA RUDOLPH JR & BARBARA

Posted

Complaint No. 20170726012

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-282 fence, wall or hedge over the maximum height allowed

Property Location: 1219 10th St, Daytona Beach 32117

Parcel No. 523703070010

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on October 27, 2017

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

On July 12, 2017, staff received a complaint about a 6' ft. fence in the front yard. On July 21, 2017 an inspection confirmed the violation. On July 26, 2017, a certified notice of violation was generated; it was returned, unclaimed on August 30, 2017. On October 30,

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2017, the property was posted with the notice of violation. On November 14, 2017, the certified notice of hearing was generated and mailed out; on November 20, 2017, the property was posted with the notice of hearing.

On January 16, 2018, staff spoke with Cindy Portwood who is the daughter; she stated that her father had passed away a few years ago and her mother just passed away. Ms. Portwood explained that she would cut the fence down to 4' ft. Staff is recommending a finding of non-compliance, with a compliance date of February 12, 2018 and a hearing to impose fine scheduled for February 21, 2018.

Based on the evidence and testimony provided, Member Runge **MOVED to issue an Order of Non-Compliance with a compliance date of February 12, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the February 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-282.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017375-HOMETOWN HOUSING

Served

Complaint No. 20160418044

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted

Property Location: 251 Evergreen Ter, Deland 32724

Parcel No. 603812000450

Zoning: MH-5

Zoning Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on Apr 23, 2016

The respondent was present for the hearing.

Christopher Hooper, Compliance Officer, presented the case.

A complaint was received on April 18, 2016, for a junk yard. A certified notice of violation was received on April 23, 2016. Anna Paulis, The agent of the property, called and said that she would work with her tenant to get the property cleaned up. It took several attempts and inspections to get the property cleaned up. The property did come into compliance on December 13, 2016.

On September 13, 2017, a new complaint was received for the same violation of junk yard. Christopher examined the property again, and found that it had become a junk yard. A certified notice of violation was received on September 22, 2017. Christopher spoke with Ms. Paulis, who assured him that the property would be cleaned up. He set up several meetings on site, but the tenant did not show up. Ms. Paulis told Christopher that the tenant had stopped responding to her calls. Christopher said that when he re-inspected the property, he found that the tenant had cleaned up the front of the property but had moved

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the junk to the side and back of the yard. The certified notice of hearing was received on November 27, 2017 and the property was posted with the notice of hearing on the following day. Christopher inspected the property on January 8, 2018 and found that the conditions had marginally improved. He said that he went out on January 16, 2018 and found that the property had been cleaned up a little more, but there is still debris in the yard.

The board asked if the violation was a repeat. Christopher said that it wasn't because the property had never been before the board.

Staff is recommending a finding of non-compliance with a compliance date of March 9, 2018, and a hearing to impose fine scheduled for March 21, 2018.

The respondent gave her name and mailing address for the record. Ms. Paulis said that the property doesn't look anything like the pictures from Christopher's presentation. She asked Christopher what side of the property was the picture taken from. He explained that it was the right side of the house if you were standing in front of the property. Christopher explained that he has been not been allowed access to the property because the tenant has never met him out there. He said that there is still some junk left.

Ms. Paulis said that she went by the property, and the front is spotless; there's nothing on it and there hasn't been for several weeks. She said that he has moved items from the front to the side and back. Mrs. Paulis explained that she didn't know that a backyard could not be used for storage. She explained that she is the mortgage holder and that when he has completed his payments that the property will be his. Ms. Paulis explained that she is not in a position to go onto the property and remove things from it. She explained that the tenant took the day off. She said that he asked for Christopher's number and that he would be in contact with him. Ms. Paulis said that the tenant wanted to meet with Christopher the day before the code enforcement board hearing.

She said that the tenant took the furniture from the side of the house and took it inside. She said that the side of the house is clean now as well. Ms. Paulis said that the tenant is willing to do whatever it takes to bring the property into compliance.

Based on the evidence and testimony provided, Member Needham MOVED **to issue an Order of Non-Compliance with a compliance date of March 9, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017376-ARDUINO EDWARD

Served

Complaint No. 20140327003

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 All construction requires building permit(s) and inspection approval(s). (Shed)

Property Location: 12 Juniper Dr, Ormond Beach 32176

Parcel No. 322811020060

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Apr 07, 2014

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

On March 11, 2014, staff received a complaint about a shed being installed without permits or inspection approvals. On March 14, 2014 an onsite inspection confirmed the violation. On April 7, 2014, a certified notice of violation was generated and mailed out. On that same day, staff received a call from Mr. Arduino who stated that he would be in to apply for a permit for the shed.

On February 13, 2015, staff contacted Mr. Arduino to let him know that the violation still exists and that the case would be referred to code board. On June 27, 2017, a second notice of violation was sent, as it appeared that there had been no further contact. Research then showed that there were two more expired permits as well. The notice of violation was received on July 3, 2017. On October 5, 2017, staff received a call from Mr. Arduino who stated that he would be coming in with paperwork to reopen the roofing permit. When Margaret asked him about the electrical permit, he said that he knew nothing about it, as it was a permit from 2001.

The electrical permit, after being extended, had expired on May 7, 2008 which was two months after Mr. Arduino had purchased the property. On November 28, 2017, a notice of hearing was signed for by Mr. Arduino. Margaret said that she's had a few conversations with Mr. Arduino and that she encouraged him to be there to tell his side of the story. There are no permit applications to date and the site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of February 12, 2018 and a hearing to impose fine scheduled for February 21, 2018.

The respondent gave his name and mailing address. Mr. Arduino explained what he knew about the electrical permit. He said that he's contacted the contractor and explained that they failed to obtain a final inspection but they have not returned his calls. He said that it was for an ungraded panel and that the panel looks fine. He said that he's been in the house for 10 years and that he hasn't had a problem. Mr. Arduino explained why the roofing permit expired. He said that he opened up the re-roofing and electrical permits. He said that they want him to take sections of the roof off. He said that he conducted research

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and found out that he could get an affidavit from an architect or engineer instead; he said that he is in the process of doing that. He explained that he moved the trailer. He said that he should have the affidavit within a week or two.

Chair Lingenfelter asked if this county accepts an affidavit from a roofer. Kerry Leuzinger, Chief Building Official, explained the process that goes along with an owner/builder permit with a reroof. He said that they need to see the inspections; we need to see the re-nailing and the under layman. Kerry said that no inspections were requested or performed with this reroof. He went onto say that the code states, that the Building Official may accept an affidavit from an engineer but he is not required to do so. Kerry reiterated that they need to see the re-nailing and the under layman. He also stated that he gave Mr. Arduino the chance to appeal the decision with the CLCA board.

Mr. Arduino said that he has a perfectly good roof and that he doesn't want to tear it up. Member Zahn asked how much of the roof must be opened up. Mr. Arduino said two sections, 3'-5' ft. Kerry said that the amount, is up to the discretion of the inspector on site; 2-3 spots until we're satisfied. He said that if the inspector finds problems, then the whole roof would need to come off.

Member Zahn stated for the record, what Mr. Arduino's violations appear to be. He said that it's the board's responsibility to listen to the evidence and determine whether or not there is a violation or not. He said that we then give time to remedy the violations.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of March 15, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Article II Sections 105.1 and 109.3.**

After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017377-ARDUINO EDWARD

Served

Complaint No. 20170627051

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s).

(Expired electrical permit #20011220003) (Expired roof permit #20161123046)

Property Location: 12 Juniper Dr, Ormond Beach 32176

Parcel No. 322811020060

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jul 03, 2017

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of March 15, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Article II Sections 105.1 and 109.3.**

After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017394-KROLAK ESTHER SOVEREIGN

Posted

Complaint No. 20171031020

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s) Fire damage single-family residence

Property Location: 1705 Montgomery Dr, Daytona Beach 32117

Parcel No. 423301050020

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Nov 02, 2017

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

On October 20, 2017, investigator Frank Godawa, found a burnt out single-family residence. On November 2, 2017, a certified notice of violation was received by Mrs. Krolak. She called on that same day, and stated that she hired Parker Construction to clean out and board up the house. On December 6, 2017, the notice of hearing was generated and mailed out; the property was posted with the notice of hearing on December 28, 2017. Mrs. Krolak called on December 29, 2017 and stated that the people that she had hired have not been back to the property since she paid them.

Mrs. Krolak said that she had a neighbor that would help her with boarding up the house. On January 11, 2018, an inspection showed that the house had been boarded up and it appeared secure. Margaret stated that Mrs. Krolak has done an amazing amount of work to secure the property. Staff is recommending a finding of non-compliance, with a compliance date of February 12, 2018 and a hearing to impose fine scheduled for February 21, 2018. Margaret said that Mrs. Krolak is here, to explain that she wants to rebuild and hire a contractor.

The respondent gave her name and mailing address for the record. Mrs. Krolak explained that the first contractor took her money and did not complete the work. The board asked if he was a licensed contractor. Mrs. Krolak said that he is. Mrs. Krolak showed the board the check. She explained that they told her, that they had bills to pay and they needed to money. Mrs. Krolak explained that she got a cashier's check and paid \$4,900.00 that day; she said she gave it to them and the next day they weren't there. She said that she has

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been fighting and trying to keep in contact with them ever since. Mrs. Krolak said that she has been working on the property with her neighbor ever since.

Margaret explained the progress that Mrs. Krolak has made. She explained that what makes the structure unmaintained is the hole in the roof. Mrs. Krolak explained that her neighbor knows roofers and a mason that can help her. She said that she's working as hard as she can.

The board and Mike Nelson, Building and Zoning Director, discussed the time that would be needed.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of May 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the May 16, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

XI. Requests for Discussion of Accumulated Fines

CEB2013085-GMAC MORTGAGE, LLC

Served

Complaint No. 20120925007

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)

Property Location: 1428 Alabama Av, Daytona Beach 32117

Parcel No. 423301050150 Zoning: R-4

Compliance Officer – Beverly J Abrahamson

Property owner was first notified of the violation on Oct 02, 2012

*Order of Non - Compliance issued at the August 21, 2013 hearing:

*Final Order Imposing Fine Lien issued at the November 20, 2013 hearing:

*Order of Compliance issued at the February 15, 2017 hearing:

Request for Discussion of Fine/Lien \$20,000.00

The respondent was present for the hearing.

Chris Hutchison, Code Administration Manager, presented the case. Chris said that this case came before the Code Enforcement Board, earlier this year; they had requested to pay \$2,000.00 on a \$20,000.00 fine. The board had agreed to that and then it never happened, so now they've brought it back again with the same request.

Member Needham asked why it never happened. Chris said that they never paid it.

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Attorney Donald Scott, gave his name and mailing address for the record. He explained that he represents the mortgage holder in this case. He explained who caused the violation and the ownership history of the property. He explained that between the transfer of two institutional entities that the reduced lien was missed.

The board asked if staff is okay with the same reduced amount of \$2,000.00 Chris and Building and Zoning Director, Mike Nelson said that they were fine with that.

After discussion and based on the testimony and other evidence presented, Member Zahn **MOVED to reduce the fine to \$2,000.00 to be paid within 30 days.** Member Wild **SECONDED** the motion that **CARRIED** unanimously by voice vote.

A. Tally Sheets (Quarterly)

B. As Entertained by Chairman

Vice-Chair Lingenfelter said that he'd entertain a motion to elect a new chairman. Member Zahn nominated Vice-Chair Lingenfelter to become the new chairman and Member Wild to become the vice chairman for 2018. Member Needham seconded it and it carried unanimously by voice vote.

C. As Entertained by Board Attorney

D. As Entertained by Staff Attorney

E. As Entertained By Staff

* * * * *

ADJOURNMENT

There being no further business to discuss before the Board, the meeting adjourned at 12:43 p.m.

Respectfully submitted,

Meghan Lindsey
Code Enforcement Board Clerk

January 17, 2018

CERTIFICATE

**STATE OF FLORIDA:
COUNTY OF VOLUSIA:**

I, Meghan Lindsey, Code Enforcement Board Clerk, do hereby certify that the foregoing pages constitute a true and accurate transcript of the minutes of the Volusia County Code Enforcement Board taken on _____, at 123 West Indiana Avenue, Deland, Florida.

WITNESS MY HAND this _____ day of _____, 2017, in the City of DeLand, County of Volusia, State of Florida.

**Meghan Lindsey
Code Enforcement Board Clerk**

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