



**VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES**

January 15, 2020

Chairman Chad Lingenfelter called the regularly scheduled, Code Enforcement Board Meeting to order at 9:00 a.m. in the County Council Chambers, Second Floor, Thomas C Kelly Administration

**Building**

**MEMBERS PRESENT**

Chad Lingenfelter, Chair  
Harry Wild, Jr. Vice-Chair  
Donald Needham  
Clement Nadeau  
Pete Zahn  
Andrew Hall  
Charles Cino, Board Attorney

**MEMBERS ABSENT**

Vikki Leonard

**STAFF PRESENT**

Kerry Leuzinger, Building and Code Administration Manager  
Chris Hutchison, Code Compliance Manager  
Margaret Godfrey, Code Compliance Coordinator  
Debbie Zechnowitz, Code Compliance Officer  
Michael Mazzola, Code Compliance Officer  
Robert Chayer, Code Compliance Officer  
Mark Kaufman, Code Compliance Officer  
Isiah Pitts, Code Compliance Officer  
Russ Brown, Assistant County Attorney

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**APPROVAL OF MINUTES**

Member Needham move to approve the minutes from the November 20, 2019 and December 18, 2019 hearing. Member Nadeau seconded the motion which carried unanimously by voice votes.

\* \* \* \* \*

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**

**CEB2019271-CASTELLO HOLDINGS, LLC**

**Posted**

Complaint No. 20190823005

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: 127 Hibiscus Ln, Deltona 32738

**Parcel No. 911001010190**

**Zoning: R-4EA**

**Code Compliance Officer - Michael Mazzola**

Property owner was first notified of the violation on Aug 26, 2019

\*Order of Non-Compliance issued at the September 18, 2019 hearing:

\*Final Order Imposing Fine Lien issued at the November 20, 2019 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of December 5, 2019:

**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.

**CEB2019305-BOUDREAUX DALE F**

**Hand Delivery**

Complaint No. 20190418041

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: 711 Pineland Tr, Ormond Beach 32174

**Parcel No. 411200000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on September 26, 2019

\*Order of Non-Compliance issued at the November 20, 2019 hearing:

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

\*Report and Affidavit of Compliance issued with a compliance date of December 30, 2019:

**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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**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, FL 32724

**Parcel No. 603501340120**

**Zoning: R-4**

**Code Compliance Coordinator - Margaret Godfrey**

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

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

\*1st Amended Order of Non-Compliance issued at the January 17, 2018 hearing:

\*2nd Amended Order of Non-Compliance issued at the August 15, 2018 hearing:

\*3rd Amended Order of Non-Compliance issued at the February 20, 2019 hearing:

\*4th Amended Order of Non-Compliance issued at the April 17, 2019 hearing:

\*5th Amended Order of Non-Compliance issued at the October 16, 2019 hearing:

**Hearing to Impose Fine/Lien**

Mr. Vu was present at the hearing.

Margaret Godfrey, code compliance, presented the case. She showed and explained photos to the board. She told the board that the permit was valid until the end of May.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a Sixth Amended Order of Non-Compliance with a compliance date of 6.14.20. A hearing to impose fine was scheduled for the June 17, 2020 hearing if compliance has not been achieved.** Member Needham **SECONDED** the motion that **CARRIED** unanimously by voice vote.

**CEB2018360-BAILEY BLAKE C & SHANNON C**

**Served**

Complaint No. 20180705025

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). (interior remodel)

Property Location: 103 Capri Dr, Ormond Beach 32176

**Parcel No. 322101001150**

**Zoning: R-6**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on July 10, 2018

\*Order of Non-Compliance issued at the February 20, 2019 hearing:

\*1st Amended Order of Non-Compliance issued at the April 17, 2019 hearing:

\*2nd Amended Order of Non-Compliance issued at the June 19, 2019 hearing:

\*3rd Amended Order of Non-Compliance issued at the July 17, 2019 hearing:

\*4th Amended Order of Non-Compliance issued at the October 16, 2019 hearing:

\*5th Amended Order of Non-Compliance issued at the November 20, 2019 hearing:

**Hearing to Impose Fine/Lien**

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There was nobody present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. She showed and explained photos to the board. She stated that the permit only needed one more inspection approval and the property would be in compliance.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue a Sixth Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the February 19, 2020 hearing if compliance has not been achieved.** Member Needham **SECONDED** the motion that **CARRIED** unanimously by voice vote.

**CEB2019036-DURHAM WEST S & STEPHANIE M**

**Posted**

Complaint No. 20170620055

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). (interior renovation/remodel)

Property Location: 875 Angelfish Ave, New Smyrna Beach 32169

**Parcel No. 850501210150**

**Zoning: R-9W,RCW**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Jun 30, 2017

\*Order of Non-Compliance issued at the November 20, 2019 hearing:

**Hearing to Impose Fine/Lien**

There was nobody present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. She showed and explained photos to the board. She stated that the permit was now valid until the end of March.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue a first Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the April 15, 2020 hearing if compliance has not been achieved.** Member Nadeau **SECONDED** the motion that **CARRIED** unanimously by voice vote.

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**CEB2019273-BOUDREAUX DALE F**

**Hand Delivery**

Complaint No. 20181226004

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

Property Location: 711 Pineland Tr, Ormond Beach 32174

**Parcel No. 411200000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on September 26, 2019

\*Order of Non-Compliance issued at the November 20, 2019 hearing:

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

**Hearing to Impose Fine/Lien**

**CEB2019301-BOUDREAUX DALE F**

**Hand Delivery**

Complaint No. 20181226005

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: 711 Pineland Tr, Ormond Beach 32174

**Parcel No. 411200000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on September 26, 2019

\*Order of Non-Compliance issued at the November 20, 2019 hearing:

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

**Hearing to Impose Fine/Lien**

**CEB2019302-BOUDREAUX DALE F**

**Hand Delivery**

Complaint No. 20181226006

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s)

Property Location: 711 Pineland Tr, Ormond Beach 32174

**Parcel No. 411200000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on September 26, 2019

\*Order of Non-Compliance issued at the November 20, 2019 hearing:

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

**Hearing to Impose Fine/Lien**

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**CEB2019303-BOUDREAUX DALE F**

**Hand Delivery**

Complaint No. 20190418037

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

Property Location: 711 Pineland Tr, Ormond Beach 32174

**Parcel No. 411200000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on September 26, 2019

\*Order of Non-Compliance issued at the November 20, 2019 hearing:

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

**Hearing to Impose Fine/Lien**

**CEB2019304-BOUDREAUX DALE F**

**Hand Delivery**

Complaint No. 20190418039

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Converting shipping containers and trailers into accessory structures for storage of business inventory

Property Location: 711 Pineland Tr, Ormond Beach 32174

**Parcel No. 411200000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on September 26, 2019

\*Order of Non-Compliance issued at the November 20, 2019 hearing:

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

**Hearing to Impose Fine/Lien**

Dale Boudreaux, property owner, was present at the hearing.

Bob Chayer, code compliance, presented all of the cases together. He showed and explained photos to the board. He stated that there was a lot of progress on the property and was recommending an amended order.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a second Amended Order of Non-Compliance with a Compliance date of April 12, 2020. A hearing to impose fine was scheduled for the April 15, 2020 hearing if compliance has not been achieved for all cases.** Member Wild **SECONDED** the motion that **CARRIED** unanimously by voice vote.

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**CEB2019330-SANCHEZ GAUDENCIO**

**Served**

Complaint No. 20190823049

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: 2532 Old New York Ave, Deland 32720

**Parcel No. 791304000073**

**Zoning: I-1**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Aug 26, 2019

\*Order of Non-Compliance issued at the November 20, 2019 hearing:

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

**Hearing to Impose Fine/Lien**

**CEB2019331-SANCHEZ GAUDENCIO**

**Served**

Complaint No. 20190823053

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s)

Property Location: 2532 Old New York Ave, Deland 32720

**Parcel No. 791304000073**

**Zoning: I-1**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Aug 26, 2019

\*Order of Non-Compliance issued at the November 20, 2019 hearing:

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

**Hearing to Impose Fine/Lien**

Mike Tuma, attorney for the respondent, was present at the hearing.

Margaret Godfrey, code compliance, presented the cases together. She showed and described photos to the board. She reminded the board about the cases and how they came about.

Mike Tuma explained that Mr. Sanchez was trying to address the use of the property. The apartments are ancillary to the parcel in the back. He stated that the work that was done, had to do with the tradesmen and Mr. Sanchez has contracted an engineer and is hiring tradesmen and get the proper permits. Mr. Tuma was requesting that they continue to April.

Chair Lingenfelter asked if the zoning would prevent them from getting permits and Ms. Godfrey reminded the board that the structure in the back was never permitted and would not get permitted due to the zoning. The power had been disconnected and then an electrical line was run from the house in the front to the back parcel to generate the unpermitted structure. The houses in the front, however, had been there for years and  
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would be able to get permits for the work that was done, or going to be done. Member Zahn was clarifying the addresses as one of the structures was addressed 2514 and the two that were before the board, were 2532. Ms. Godfrey stated that she was just reminding the board how this case came about. The pavilion was not part of this case, but was the reason that these 2 new cases came about. Member Zahn stated that the 2 structures before them were able to get permits and zoning would not matter in that case.

Mr. Tuma stated that they might be able to get permits in 30 days but wanted to know if they could have 60-90 to show meaningful progress. Member Zahn stated that getting permits would be meaningful progress.

Member Hall was concerned about life/safety issues due to the electrical work that was done and it was explained to the board that Duke energy was aware of it and refused to shut the power off.

Mike Tuma believed that the life/safety issues had been addressed. Member Zahn explained that if they have the fine start the day after the next meeting, then Mr. Tuma could request to be on the agenda to come in and explain what has been addressed and ask for the fine to start at a different date.

It was explained that the Fire Marshall, Fire Inspector, building inspector, and Chief Building Official have all been to the property. Chair Lingenfelter explained that if any of the electrical work was addressed, it was done without permits. Mr. Tuma wanted to know if anybody had been out there since last August to inspect the electrical work and Chair Lingenfelter stated that his main concern was that anymore electrical work was done without permits and suggested that an affidavit be obtained to see if it was safe or not.

After discussion and based on the testimony and other evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing February 20, 2020 and to continue until compliance is achieved, but not to exceed \$5,000.00 per case. The board also ordered that an affidavit certifying the safety of the electrical installation be turned into the Chief Building Official within 10 days, by a Florida certified electrician. Or an affidavit stating that the property is vacant and will remain so.** Member Needham **SECONDED** the motion that **CARRIED** unanimously by voice vote.

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**CEB2019078-BURGER ASHLEY NICOLE**

**Posted**

Complaint No. 20181203027

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 Living in RV or RV connected to water, sewer or electric lines, where not permitted

Property Location: 355 Van Hook Rd, Deland 32130

**Parcel No. 603903000120**

**Zoning: A-3A**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Jan 12, 2019

\*Order of Non-Compliance issued at the April 17, 2019 hearing:

\*1st Amended Order of Non-Compliance issued at the June 19, 2019 hearing:

\*The Board continued this case from the December 18, 2019 hearing:

**Hearing to Impose Fine/Lien**

Ashley Burger, property owner, was present at the hearing.

Isiah Pitts, code compliance, presented the case. He showed and described photos to the board. He gave a background on the property and explained that the property had been in foreclosure and there were bankruptcy proceedings as well. He mentioned that the pictures were older, but the RV's were still hooked up as of the day before, just in a different location. He read staff's recommendation.

Member Wild asked why they would give an amended order and Isiah stated that there were other violations that still needed to be addressed.

Margaret Godfrey, code compliance coordinator, stated that there was a foreclosure, a bankruptcy and now a new lienholder, and she said that staff wanted to make sure that everything was addressed and all of the interested parties were notified.

Ms. Burger stated that there was no longer a foreclosure process, the property was still in her name, and she still had the bankruptcy proceedings going on. She then stated that she had the power turned off and the trailers were unplugged. She said that there were 5 trailers and now there are only 2. She also said that she was trying to get everyone off of the property.

Russ Brown recommended more time due to the new cases and the bankruptcy.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a second Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the April 15, 2020 hearing if compliance has not been achieved.** Member Needham **SECONDED** the motion that **CARRIED** unanimously by voice vote.

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## X. Hearings and Presentation of Filed Notices of Violations

### **CEB2019376-PRICE JR ROSCOE ZOLL & RODICA**

**Served**

Complaint No. 20190909002

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b) Fence erected, moved, or altered without a permit  
Property Location: 1320 8th Ave, Deland 32724

**Parcel No. 700103270280**

**Zoning: R-4A**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Oct 04, 2019

There was nobody present at the hearing for this case.

Isiah Pitts, code compliance, presented the case. He showed and described photos to the board. He stated that the certified notices had been received and signed for. He also stated that he has had contact with the property owner, however, nothing has been done. He also stated that the fence is in the right of way and would have to be moved.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 72, Article II, Division 9, Section 72-341 (b) with a compliance date of February 15, 2020. A hearing to impose fine is set for the February 19, 2020 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

### **CEB2019383-MARTIN JOSEPH**

**Served**

Complaint No. 20190806046

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: 7 Sea Oats Ter, Ormond Beach 32176

**Parcel No. 321605010870**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Oct 11, 2019

There was nobody present at the hearing for this case.

Bob Chayer, code compliance, presented the case. He showed and described photos to the board. He also stated that the truck appeared operative, but could not see behind it to see if there was a tag or not.

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After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 72, Article II, Division 8, Section 72-287 with a compliance date of February 10, 2020. A hearing to impose fine is set for the February 19, 2020 hearing.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2019388-IMBERGAMO ROSEMARY A**

**Served**

Complaint No. 20190710031

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: 1106 Avenue J , Ormond Beach 32174

**Parcel No. 422901250140**

**Zoning: MH-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on October 11, 2019

There was nobody present at the hearing for this case.

Bob Chayer, code compliance, presented the case. He showed and described photos to the board. He explained that Tom Legler had posted the property as unsafe. He also said that the trailer has since been put back on the concrete blocks but it was done without permits. He said that he has only had brief contact with the property owner and she was real combative. He also mentioned that the power was off. Member Zahn asked about the unsafe posting and Bob said that they were going to keep this as an unsafe structure due to the work, to put it back on the foundation, was done without permits and staff does not know how well it was done as far as code, etc. He also said that the trailer appeared to have survived the fall as it is in good shape.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation Volusia County Code of Ordinances, Chapter 58, Article I, Section 58-3, Maintenance Ordinance with a compliance date of February 3, 2020 and a Hearing to Impose Fine is set for the February 19, 2020 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2019390-ZEPEDA-RUBI OSCAR YOBANY**

**Served**

Complaint No. 20190604043

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s)

Property Location: 1312 Forest Ridge Dr, Daytona Beach 32117

**Parcel No. 520201000550**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Aug 16, 2019

There was nobody present at the hearing for this case.

Bob Chayer, code compliance, presented the case. He showed and described photos to the board. He stated that the notice of violation was received and the notice of hearing was posted. He then showed the shed that was being built. He did speak to the owner, the day before, and the owner said that he has sealed drawings but still needs to get a survey.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order of Non-Compliance for violation Volusia County Code of Ordinances, Chapter 22-2, Section 105.1 and 110.1, with a compliance date of April 3, 2020 and a Hearing to Impose Fine is set for the April 15, 2020 hearing.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2019391-PERNICKA EDWARD J & DONNA R**

**Posted**

Complaint No. 20190503041

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s) (re-roof)

Property Location: 1247 Lpga Blvd, Daytona Beach 32117

**Parcel No. 424401050024**

**Zoning: MH-1,R-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on September 20, 2019

John Spardella, tenant, was present at the hearing.

Bob Chayer, code compliance, presented the case. He showed and described photos to the board. He also stated that the notice of violation and the notice of hearing were posted on the property. He went on to explain that the roof was completely done without permits and would probably have to be ripped off for any inspections but that would be up to the building department. He did say that he was trying to get a permit but there is no application submitted to date.

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Mr. Spardella stated that he was doing it in sections and wasn't trying to hide anything. He was requesting more time to accomplish what it takes to get a permit. He stated that he was not able to pull a permit because he was the tenant. He then said that he was hoping to repair what was there but he doesn't know anything about roofing. Bob suggested that he get a roofing contractor.

Pete Zahn stated that inspections were done on a case by case basis. He said that he would need to talk to the building department on what to do.

Chair Lingenfelter asked if February would give him enough time to file the permit. Mr. Pernicka, Jr. got up to explain that he was just aware of the violations as his father has alzheimers and they did not see this until recently.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation Volusia County Code of Ordinances, Chapter 22-2, Section 105.1 and 110.1, with a compliance date of March 15, 2020 and a Hearing to Impose Fine is set for the March 18, 2020 hearing.** After After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2019392-WACKER KARL S & SHERYL H**

**Served**

Complaint No. 20190530091

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: 45 Palmetto Dr, Ormond Beach 32176

**Parcel No. 420314001390                      Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Sep 12, 2019

There was nobody present at the hearing for this case.

Bob Chayer, code compliance, presented the case. He showed and described photos to the board. He also explained that the property had to be posted with the notice of violation and the notice of hearing. He stated that the truck was inoperative as there was a tire missing. Member Hall asked if it was registered and Bob said that he couldn't tell as the truck was backed right up to the garage.

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After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances, Chapter 118-Traffic & Vehicles, Article li, Abandoned Vehicles, Sec. 118.34, with a compliance date of February 10, 2020 and a Hearing to Impose Fine is set for the February 19, 2020 hearing.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2019393-DIMUCCI-DEVELOPMENT-CORP SENTRY MANAGEMENT**

**Served**

Complaint No. 20190613057

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III DIVISION 12 SECTION 72-924 Description: Sea Turtle Lighting

Property Location: 4531 S Atlantic Ave, Ponce Inlet 32127

**Parcel No. 641932000001**

**Zoning: 999**

**Sea Turtle Lighting Inspector - Christina Phillips**

Property owner was first notified of the violation on June 28, 2019

There was nobody present at the hearing for this case.

Christina Phillips, sea turtle lighting inspector, presented the case. She showed and described photos to the board. The property is made up of several buildings and she had to show the lighting violations per building. She then showed photos from January 2<sup>nd</sup>, which showed the corrections that were made. She also showed how, on 2 of the light poles, 2 of the shields were on backwards. She did state that there has been communication via phone and emails. She also said that the certified mailings had been received and signed for. She went over the dates that she had done inspections and provided a timeline of the progress and she also explained what still needs to be done. She said that they were recommending an order of non-compliance and dismissal because turtle season is closed, but will bring it back in May, if the violations have not been corrected.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances County of Volusia, Chapter 72, Article III, Division 12, Section 72-924. It is further ORDERED by this Board that the Respondent(s) are no longer in violation and that the pending violation proceedings before the Board are now DISMISSED.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2019400-CONTESTIBLE VINCENT**

**Posted**

Complaint No. 20191210020

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291 Final Site Plan

Property Location: 4083 Sr 44 , New Smyrna Beach 32168

**Parcel No. 722200000010                      Zoning: A-1, A-2, MH-3, RC**

**Code Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on December 19, 2019

Clifton McFadden, nephew of the property owner, was present at the hearing for this case.

Debbie Zechnowitz, code compliance, presented the case. She showed and described photos to the board. She explained that a special exception was approved with conditions and one of the conditions was a final site plan. The property owner continued the excavation without the final site plan. This in an activity that is not approved for A-1 zoning. She then gave the members a copy of the zoning official's rendition letter. It stated that no work was to begin without the final site plan.

Member Zahn clarified that there was a conceptual site plan, but no final site plan.

Russ Brown stated that the special exception was also expired which now requires them to put the property back to its original state. So it's not a violation of the special exception, it's a violation of the development order.

Debbie stated that the property owner did not satisfy the conditions within the 12 month period.

Chair Lingenfelter stated, for clarification, that a final site plan cannot be submitted now, as the special exception had expired.

Clifton McFadden stated that the potential buyer was the one to do the work and just before the he was to submit the final site plan, he stopped. He was then requesting more time to fix the compliance issues.

Charlie Cino asked if the property was sold and Mr. McFadden said no, but he was hoping to. Charlie Videll was the one who originally wanted to buy the property but had backed out. He is now back in the picture, wants to buy the property, reopen everything that he backed out on and start over.

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Member Zahn stated that they could give some time, but this whole process would take more than a year and he didn't think that it would be a good idea to put it out that long. Mr. McFadden agreed. Member Zahn suggested March and double checked with Mr. McFadden that nothing was going on out there and Mr. McFadden stated that there was nothing going on out there.

Jeff Marquand, neighbor, got up to testify. He stated that there wasn't a neighbor around there that wanted this. It's rural, farm land, and a mess was made on the property. He said that they have put up with it for a year and nothing had been done, in that year, to correct it. He said that none of the neighbors wanted the special exception and it went through anyway. He said that it was no ruining property values on the surrounding properties. He wanted to know why fines just can't start accruing.

Member Hall explained the due process of finding in non-compliance, give another month, have a hearing to impose fine, and have it start 30 days from that date. They can't do anything about fines right now, but can issue an order of non-compliance and bring it back next month and discuss a fine then.

Mr. Marquand stated that the property owner violated the original agreement, continued to excavate, and still gets more time, even after spending nearly a year already.

Chair Lingenfelter stated that this was the first time that the board was seeing this, so this is the first chance for them to do anything.

Mr. Marquand recommended that the property owner return the property to the way it was and if he wants to start over again, at least they don't have to look at the mess.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances, Chapter 72, Article II, Division 8, Section 72-291, with a compliance date of March 15, 2020 and a Hearing to Impose Fine is set for the March 18, 2020 hearing.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2019406-HENDRICKS, CATHERINE W**

**Posted**

Complaint No. 20191112064

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: 34 Plaza Dr. Ormond Beach, FL 32176

**Parcel No. 420327000320**

**Zoning: R-4**

**Code Compliance Officer – Robert Chayer**

Property owner was first notified of the violation on December 19, 2019

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances, Chapter 58, Article I, Section 58-3, with a compliance date of February 10, 2020 and a Hearing to Impose Fine is set for the February 19, 2020 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2019407-HENDRICKS, CATHERINE W**

**Posted**

Complaint No. 20191112064

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER, 58, HEALTH & SANITATION, SEC. 58-36, VIOLATION AND DECLARATION OF NUISANCE, ARTICLE II Grass/weeds in excess of 12 inches, yard trash, rubble, debris, and/or waste.

Property Location: 34 Plaza Dr. Ormond Beach, FL 32176

**Parcel No. 420327000320**

**Zoning: R-4**

**Code Compliance Officer – Robert Chayer**

Property owner was first notified of the violation on December 19, 2019

Sandy Isaacs and Gail Littlejohn, neighbors, were present at the hearing for this case.

Bob Chayer, code compliance, presented the cases together. He showed and described photos to the board. He explained that the property had been to the board in the past for an abandoned vehicle, which currently has a fine. He also explained that the property has had to be posted. He then showed the roof damage that was done to the house by a tree. He also showed where there were cracks in the concrete block and the HVAC that had grass and weeds growing through it.

Sandy Isaacs brought photos and affidavits from other neighbors showing the condition of the house and yard. She read a letter that she sent to the Florida Surgeon General which was then entered as evidence. She went on to point out that there have been numerous complaints to Volusia County, but was told that there is only so much that they can do. She stated that we need to tow the vehicle off the property. She went on about rats, junk, and trash. She stated that it was time for the Health Department to step in.

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She said that she has had to vaccinate her dogs regularly against leptospirosis. She said that she has to chase rodents off her property on a regular basis. She said that over 35 diseases can be transmitted from rodents. She also stated that she and her husband have offered to help Mr. Hendricks, as well as several other neighbors, but to no avail. The overgrowth is effecting her property as well as the person on the otherside and to the rear of his property. She also stated that she has tried to get ahold of Heather Post, council member, but has not received a response. She also said that she had not received a response from the DOH concerning the letter that she sent. She said that she has sent numerous certified letters to different departments and has gotten no response.

Chair Lingenfelter asked Bob about the opportunity to bring the building to CLCA and Bob stated that they would have to go out there to see if it met the requirements. He also stated that there are several departments involved and animal control has been out there several times. He stated that he has had to post the property and the notice will be gone the following day. He stated that he thought a big part of the reason was that Mr. Hendricks was unresponsive. Our county contractor will not go on the property to mow as it is occupied. He also stated that the property was homesteaded.

The neighbors complained that his property directly impacts the surrounding properties.

Member Zahn stated that they didn't need to have a hearing to impose fine, they could start it immediately. Mrs. Isaacs stated that while a fine needs to be imposed, they should speak to the county attorney to see what he suggests.

Russ Brown, assistant county attorney, explained the process for CLCA, etc. He also stated that because the property is homesteaded, the county can't foreclose due to the homestead exemption. Even though his name is not on the property, he is on the money purchase and as the survivor of the deceased spouse, he can claim homestead exemption.

He stated that they were looking at the statutes to see if they can potentially clean up the front yard at least and see if the house does fall under the definition of dilapidated.

Mrs. Isaacs asked if they could have the vehicle towed off the property and she was told no. She wanted to know who had the authority to move it and Attorney Cino stated that the case with the car was not in front of them. Member Zahn explained that the only thing that they could do was impose a fine and send the unmaintained case to CLCA. The CEB does not have the authority to do anything else.

Attorney Brown stated that they would have to get an administrative order, from a judge, to have the homeowner removed from the property if the property was deemed unlivable.

Mrs. Littlejohn stated that she had been in that house and there was animal feces all over the place.

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Mrs Isaacs stated that his lifestyle is effecting their community and action needs to be taken and she wanted to know who she had to go to who would have the authority. She stated that she had gone on line and read the report that stated that there was rat feces and evidence of rodent infestation.

Kerry Leuzinger, chief building official, stated that they would go out and look at the house and make a determination from there.

There was some discussion about starting the fine immediately and Attorney Brown stated that per the ordinance, irreparable harm has had to have been committed and if the board can prove that, than they can start the fine immediately. He suggested bringing them both back in 30 days to allow the building official a chance to go out and inspect the property to see if it does meet the definition of dilapidated structure. If it doesn't meet the definition, then we can go forward and start a fine.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances, Chapter 58, Health and Sanitation, Section 58-36, with a compliance date of February 10, 2020 and a Hearing to Impose Fine is set for the February 19, 2020 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

- A. Tally Sheets (Quarterly)**
- B. As Entertained by Chairman** Nominations for Chair and Vice-Chair. Chair Lingenfelter was voted to continue to be the chairman and Vice-Chair Wild was voted to continue to the vice-chairman.
- C. As Entertained by Board Attorney**
- D. As Entertained by Staff Attorney**
- E. As Entertained By Staff**

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**ADJOURNMENT**

**There being no further business to discuss before the Board, the meeting adjourned at 11:14 a.m..**

**Respectfully submitted,**

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**Margaret C Godfrey  
Acting Code Enforcement Board Clerk**

January 15, 2020

**CERTIFICATE**

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

**I, Margaret C Godfrey, Acting 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 17<sup>th</sup> day of February, 2020, in the City of DeLand, County of Volusia, State of Florida.**

\_\_\_\_\_  
**Margaret C Godfrey  
Acting Code Board Clerk**

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