



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

October 16, 2019

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**
- Vikki Leonard**
- Donald Needham**
- Charles Cino, Board Attorney**
- Pete Zahn**
- Andrew Hall**
- Clement Nadeau**

MEMBERS ABSENT

STAFF PRESENT

- Chris Hutchison, Code Compliance Manager**
- Margaret Godfrey, Code Compliance Coordinator**
- Debbie Zechnowitz, Code Compliance Officer**
- Russ Brown, Assistant County Attorney**
- Meghan Lindsey, Code Enforcement Board Clerk**
- Mike Nelson, Building & Code Administration Director**
- Michael Mazzola, Code Compliance Officer**
- Robert Chayer, Code Compliance Officer**
- Mark Kaufman, Code Compliance Officer**
- Isiah Pitts, Code Compliance Officer**

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APPROVAL OF MINUTES

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Member Needham moved to APPROVE the August 21, 2019 and September 18, 2019 Code Enforcement Board minutes. Member Zahn SECONDED the motion that CARRIED unanimously by voice vote.

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October 16, 2019

UNFINISHED BUSINESS

CEB2007525- LEWIS HOWARD JR

Served

Complaint No. 050725044

Violation of Volusia County Ordinance, Florida Building Code Sections 105.1 and 109.3 for construction without the required permit(s) and inspection approvals at in

Property Location: 1876 Pioneer Tr., New Smyrna Beach

Parcel No. 732409000160 Zoning: R-4A

Zoning Compliance Officer - Debbie Zechnowitz

*Property owner first advised of violation on August 16, 2007

*Property entered into the ISBA of New Smyrna Beach, on May 2, 2013

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.

CEB2015073-LUCAS DENNIS

Served

Complaint No. 20140924013

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: 141 Evergreen Ter, Deland 32724

Parcel No. 603812000670 Zoning: MH-5

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Jul 09, 2015

*Final Order of Non - Compliance/Imposing Fine Lien issued at the October 21, 2015 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 12, 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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CEB2017396-ZIEGLER MARY L

Posted

Complaint No. 20171020012

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). (3 Expired permits Electrical permit #1999413001, Pool permit #19990507033, and Mechanical permit #2015051100)

Property Location: 1 Sunset Blvd, Ormond Beach 32176

Parcel No. 322705000220

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

*The Board continued this case from the April 18, 2018 hearing:

*Order of Non-Compliance issued at the July 18, 2018 hearing:

*1st Amended Order of Non-Compliance issued at the October 3, 2018 hearing:

*Final Order Imposing Fine Lien issued at the December 19, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of May 24, 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.

CEB2019098-LUZNAR FRANK J III TR LUZNAR REVOCABLE TRUST

Served

Complaint No. 20160721010

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(C) Accessory structure and/or use on lot that does not have a completed principal structure

Property Location: 103 N Samsula Dr, New Smyrna Beach 32168

Parcel No. 722401010080

Zoning: A-1,A-1C

Code Compliance Coordinator - Margaret Godfrey

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of September 12, 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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CEB2019187-ASHLEY KENNETH GEORGE

Served

Complaint No. 20180828001

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: 415 S Woodward Ave, Deland 32720

Parcel No. 701800000640

Zoning: R-3

Code Compliance Officer - Michael Mazzola

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

*A Report and Affidavit of Compliance was submitted with a compliance date of September 24, 2019:

Order of Compliance

THIS CASE WAS WITHDRAWN

CEB2019055-VAN HORN CECIL & MILAGROS

Served

Complaint No. 20181210056

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(C) Accessory use and/or structure on lot that does not have a completed principal structure

Property Location: 1057 Old Big Tree Rd, Daytona Beach 32119

Parcel No. 533100020091

Zoning: R-4A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Dec 13, 2018

*Order of Non-Compliance issued at the August 21, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of October 10, 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 & LIVIA FLORES

Served

Complaint No. 20150825034

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-36 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

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:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Their permit is now valid until the end of December. Staff recommends a fifth amended order of non-compliance, with a hearing to impose fine scheduled for January 15, 2020.

Mingh Vu and Livia Flores gave their name and address for the record.

Based on the evidence and testimony provided, Member Wild **MOVED to issue a Fifth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 15, 2020 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article II Sec. 58-36.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017350-3916 CARDINAL LLC

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). (Single family residence)

Property Location: 3916 Cardinal Blvd, Port Orange 32127

Parcel No. 631101030040

Zoning: R-9(S)

Code Compliance Coordinator - Margaret Godfrey

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

*Order of Non-Compliance issued at the January 17, 2018 hearing:

*1st Amended Order of Non-Compliance issued at the June 20, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the December 19, 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:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said that she has been out to the property and it is coming along well. She said they have many inspection approvals and they let her in so that she could inspect. Staff recommends a fifth amended order of non-compliance, with a hearing to impose fine scheduled for March 18, 2020. She said the permit is now valid until the end of February.

Based on the evidence and testimony provided, Member Needham **MOVED to issue a Fifth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the March 18, 2020 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article II Sec. 58-36.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017355-MADEIRA VILLA SOUTH CONDO

Posted

Complaint No. 20170922005

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). (Dune walkover)

Property Location: 2800 Ocean Shore Blvd, Ormond Beach 32176

Parcel No. 322112010001

Zoning: R-6,RC

Code Compliance Coordinator - Margaret Godfrey

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

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

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

Hearing to Impose Fine/Lien

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The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. The permit has been issued and it is valid until, February 8, 2020. Staff recommends a second amended order of non-compliance, with a hearing to impose fine scheduled for February 19, 2020.

Based on the evidence and testimony provided, Member Needham **MOVED to issue a Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the February 19, 2020 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018268-HABER RICHARD D & CAROLYN W

Served

Complaint No. 20170125038

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). (Renovation/remodel)

Property Location: 1 Seaview Dr, Ormond Beach 32176

Parcel No. 323405000610

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on March 16, 2017

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. The permit to address the violation, is still expired and nothing has been extended on the permit that was already expired. Margaret said she has had no contact with the property owners, although Kerry Leuzinger, Chief Building Official, did go out to the property to make sure everything is secure. She said nothing has been addressed to date. Staff recommends a fine in the amount of \$50.00 per day, per case, to commence on November 21, 2019; not to exceed \$3,700.00 per 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 \$50.00 per day, per case, not to exceed \$3,700.00, per case, to begin on November 21, 2019.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019027-HABER RICHARD D & CAROLYN W

Served

Complaint No. 20190128035

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). (Expired electrical permit #20161214065)

Property Location: 1 Seaview Dr, Ormond Beach 32176

Parcel No. 323405000610

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code 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 \$50.00 per day, per case, not to exceed \$3,700.00, per case, to begin on November 21, 2019.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018298-TM CLEAN INVESTMENTS LLC

Served

Complaint No. 20180412041

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

Property Location: 3663 Old Deland Rd, Daytona Beach 32124

Parcel No. 620601400231

Zoning: I-1(5)A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 08, 2018

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. There have been a couple inspections and the permit is valid until, March 31, 2020. Staff recommends a second amended order of non-compliance, with a hearing to impose fine scheduled for April 15, 2020.

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

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be scheduled for the April 15, 2020 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article II Sec. 58-36. After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018336-STOR-ALL KING ARTHUR LLC

Served

Complaint No. 20180305001

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). (Dock)

Property Location: 7050 Turtle mound Rd, New Smyrna Beach 32169

Parcel No. 850501550120

Zoning: R-9W

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Mar 16, 2018

*Order of Non-Compliance issued at the September 19, 2018 hearing:

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

*2nd Amended Order of Non-Compliance issued at the December 19, 2018 hearing:

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

*4th Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Steve Womack gave his name and address for the record.

Chris Wise gave his name and address for the record.

Margaret said the permit expired on September 28th and there have been no inspection requests approvals. Staff recommends a fine in the amount of \$100.00 per day, to commence on November 21, 2019; not to exceed \$100,000.00

Mr. Wise said we're almost finished with construction. He said the pictures don't show the current status of the job. He said they are waiting for a hard-wood that comes out of Brazil. He said they're waiting on 20 foot pieces, to finish the floating dock. He said throughout the course of waiting on the hard-wood, he forgot to call for a permit extension. He asked if they could get the permit reinstated, which would give us another month. He said they need about 15 more pieces of wood.

Margaret said that fine with me, if you all want to do an amended order.

Member Zahn asked if there were inspections.

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Mr. Wise said with marine construction, because everything is exposed we don't typically need to do, along the way inspections, because everything can be inspected at the end. He said the date of the permit, just got away from me. He said I should have called for a partial inspection, to extend the permit, but I didn't. He said we're trying to come into compliance, I just missed the deadline.

The Chairman asked Mr. Wise, if he is the contractor.

Mr. Wise said yes.

The Chairman asked Mr. Womack's relationship to the LLC.

Mr. Womack said I'm the owner of it.

Member Zahn asked if they only have a final left.

Mike Nelson, Building and Code Administration Director, said yes. He advised Mr. Wise of the paperwork that needed to be submitted for an extension.

Mr. Wise said he'd get all that taken care of.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue a Fifth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the December 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Needham **SECONDED** the motion, it **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, including but not limited to plumbing, electrical, structural, etc.) Mostly pertaining to the mother-in-law suite on the first floor

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:

Hearing to Impose Fine/Lien

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The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Darren Elkind, Attorney, gave his name and address for the record.

Margaret said she has not had any communication with the Bailey's. She said Russ Brown, Assistant County Attorney, has had communication with Mr. Elkind. She said there have been e-mails. She said Kerry Leuzinger did e-mail the pool contractor yesterday, to ask about the status of the pool. She said the permit was reopened and is valid until January, but absolutely nothing else is being addressed. She said the interior remodel, plumbing and electrical, have not been addressed. Staff recommends a fine in the amount of \$100.00 per day, to commence on November 21, 2019; not to exceed \$50,000.00.

The Chairman asked if this was regarding the pool.

Margaret said the pool was part of it. She said they had a permit that had to be cancelled, because it was from 2002. She said Kerry reopened it until January, because he e-mailed the pool contractor. She said they had some conversation, about the pool contractor heading out there, to bring it up to the 6th edition building code. Margaret said as far as everything else goes, I have gotten nothing.

Mr. Nelson said they have to work on the pool, because anti-entrapment came in, since 2002.

The Chairman asked Mr. Elkind for an update.

Mr. Elkind said that is all correct. He said his clients bought the property, two years ago. He said the work that was done without permits, was done long before they bought it. He said the inspection did not disclose it. He said it's a nice home; he said I think the prior owner, who we are now in litigation with, did the work and did a good job, but he didn't pull a permit. He said the pool permit was never closed out, since 1991.

He said Ms. Godfrey and Mr. Leuzinger inspected the property in August. He said they came to the home and met the pool contractor that we hired. Mr. Elkind said he personally, went to the meeting. He explained what staff told him to do, at that meeting. He explained that affidavits were needed for plumbing and electrical. He said it took a while to find, a plumber that would vouch for the previous plumber's work and an HVAC person. He said He's dealing with litigation and frankly, forgot about this. He said he was surprised when staff called and said there was a hearing coming up and they didn't want to continue it.

Mr. Elkind said the pool guy said he was going to take care of it all. He said he contacted his clients in Georgia, who contacted the pool contractor, who e-mailed him the night October 16, 2019

before. He said the e-mail said that they had to re-do something on the notice of commencement. Mr. Elkind said he believed that got taken care of. He said he saw an affidavit from the plumber, last night. He said that'll be turned in. He said the engineer will handle the structural. He said it should get done in 30 days.

The Chairman asked about the HVAC.

Mr. Elkind said they do have an HVAC person. He said they came out and fixed something that had nothing to do with the unpermitted work. He said the person that actually did the work, is no longer with the company. He said as of yesterday, when he spoke to his client the owner of the company was coming out, to try and make it right.

The Chairman asked if the HVAC would be done in 30 days.

Mr. Elkind said I think so. He said the e-mail that I saw last night said, they only needed 14 days.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue a Fourth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018469-HOWARD JAMES C & KACIE L

Posted

Complaint No. 20180820068

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: 148 Pelican Dunes Dr, Ormond Beach 32176

Parcel No. 320802000130

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Nov 16, 2018

*Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said there has been no change and she has had no contact with the property owners. Staff recommends a fine of \$50.00 per day, per case, with a maximum amount of \$12,300.00 per case; to commence on November 21, 2019.

Member Needham asked about contact.

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Margaret said she's had to post the property all over the place.

Member Needham said you put up notices and so forth.

Margaret said yes.

Charles Cino, Board Attorney, asked if the certified mail came back.

Margaret said yes, they did not sign for anything, so it's had to be posted as well.

The Chairman asked if it's being mailed to the property.

Margaret said yes, that's their actual mailing address. She said that's where they live, they reside there and it's homesteaded. She said she hasn't received a call from them and she's had to post everything.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$12,300.00, per case, to begin on November 21, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018470-HOWARD JAMES C & KACIE L

Posted

Complaint No. 20180820071

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). (Pergola type structures)

Property Location: 148 Pelican Dunes Dr, Ormond Beach 32176

Parcel No. 320802000130 Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Nov 16, 2018

*Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, 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 \$50.00 per day, per case, not to exceed \$12,300.00, per case, to begin on November 21, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018471-HOWARD JAMES C & KACIE L

Posted

Complaint No. 20180820073

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). (Expired pool permit)

Property Location: 148 Pelican Dunes Dr, Ormond Beach 32176

Parcel No. 320802000130

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Nov 16, 2018

*Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, 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 \$50.00 per day, per case, not to exceed \$12,300.00, per case, to begin on November 21, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018526-VELAZQUEZ FIDEL

Served

Complaint No. 20181016002

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). Renovation and/or remodel of mobile home without permit(s) and/or inspection approval(s)

Property Location: 357 Emporia Rd, Pierson 32180

Parcel No. 581401010030

Zoning: MH-5

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Nov 01, 2018

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Antonio Paez gave his name and address for the record.

Margaret said the permit is valid until November 12th. Staff recommends a second amended order of non-compliance, with a hearing to impose fine scheduled for November October 16, 2019

20, 2019.

Staff directed Mr. Paez on where to get Kerry Leuzinger's business card.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue a Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019099-PETCOVIC DIANE L

Served

Complaint No. 20180727005

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277 You have failed to observe the required setbacks

Property Location: 124 Charles St, Edgewater 32141

Parcel No. 853809001740

Zoning: MH-5W

Zoning Compliance Officer - Debbie Zechnowitz

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case. She said that since the last hearing, Ms. Petcovic did speak with a planner, about a variance. She was told she needed a variance to permit the carport and the sheds on the property. Debbie said no progress had been made, so she reached out to Ms. Petcovic, about three weeks ago. Ms. Petcovic said she was having some difficulties and she was still out of state. Debbie said she asked her if she would be able to attend the hearing. Ms. Petcovic told her no. Debbie suggested that she write a letter and explain why she was not in compliance, what she plans to do and how long she needs to comply.

Debbie presented the board with Ms. Petcovic's letter.

Member Needham asked if Ms. Petcovic was at the last hearing.

Debbie said yes. She said based on Ms. Petcovic's request, staff recommends a first amended order, with a hearing to impose fine scheduled for December 18, 2019.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an First Amended Order of Non-Compliance and a Hearing to Impose Fine/Lien to be scheduled for the December 18, 2019 hearing for Violating Volusia County Code of**

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Ordinances, Chapter 72 Article II Division 8 Sections 72-277. After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019100-PETCOVIC DIANE L

Served

Complaint No. 20180727008

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) (Carport, sheds and all unpermitted accessory structures)

Property Location: 124 Charles St, Edgewater 32141

Parcel No. 853809001740

Zoning: MH-5W

Zoning Compliance Officer - Debbie Zechnowitz

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Needham **MOVED to issue a First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the December 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019137-TROPICAL HAMMOCK INC

Served

Complaint No. 20190329008

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)(Dock)

Property Location: 1485 Lakeview Dr, Deland 32720

Parcel No. 792404000050

Zoning: B-7

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on March 29, 2019

*The Board continued this case from the May 15, 2019 hearing:

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He showed the board the pictures from his presentation. Staff recommends a first amended order of non-October 16, 2019

compliance, with a hearing to impose fine scheduled for November 20, 2019. He said there are new violations and we haven't given proper notice yet.

Michael Woods, Attorney, gave his name and address for the record. He said for the new violation, they're going through the process of retrofitting the whole property. He said we've been notified for November. He said we're looking to roll all the violations into November. He said we should all be able to bring it in and give an update, from a work perspective. He said as of right now, we've identified the structures that need retroactive permits, which structures that need to be removed and we are processing the storm water surface calculations; to see what additional removal has to come in, to make sure that we don't trigger any storm water management threshold issues. He said we should have all that in total, next month with an action plan. He asked for another 30 days.

Member Zahn said so, you're not likely to have it resolved but there'll be another permit or something.

Mr. Woods said we'll have an action plan and we'll know exactly what's going on. He said the engineers, as we have been identifying things, have been working on the site plan. He said once everything is pinned down, I think that site plan is going to be ready to go.

Mr. Brown said for this one, staff would recommend a 60 day amended order, to get it to December, because the two new cases will be heard in November and you'll be able to consolidate everything together at the December fine/lien hearing.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue a First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the December 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019188-HENDRICKS RONALD

Served

Complaint No. 20190301086

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

Property Location: 47 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000580

Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Mar 06, 2019

*Order of Non-Compliance issued at the June 19, 2019 hearing:

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

*2nd Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

*3rd Amended Order of Non-Compliance issued at the September 18, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. He said he was out there on Monday and had contact with Mr. Hendricks. Robert said progress has halted, for both cases. He said no permits have been applied for. Mr. Hendricks told Robert that he couldn't afford permits and he's not planning on applying for them any time soon. He allowed Robert to go into the backyard, but would not allow pictures to be taken. Robert said the yard looked better in the pictures from his presentation, than it did on Monday.

The Chairman said wasn't he pursuing French doors and an exterior staircase?

Robert said originally the structure was built that way. He said it was built with a single personnel door, where you can see where the French doors are there. Staff recommends a fine of \$50.00 per day, per case, not to exceed \$6,000.00 per case; to commence on November 21, 2019.

The Chairman asked wasn't there interior stairs. He said I'm looking at the second case and it says stairs and doors. He said I understand the door being put in without a permit, but the stairs have been removed.

Mr. Nelson said isn't there something on the main structure also?

Robert said the building without permit, is involving two things at the moment; the French doors on the front of the structure and you're correct, the interior stairs have been removed, but there's a pergola on the back of the house, itself that was put up without a permit as well.

The Chairman said and that was there on your last inspection?

Robert said yes.

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Member Needham asked Robert's perceived impression of the conversation that he had with Mr. Hendricks; he asked if Robert had an idea of what Mr. Hendricks planned on doing.

Robert said their conversation was not very cordial.

Mr. Nelson said these are the two warring neighbors; 47 and 49. He said it's gone on for two and a half years now.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$6,000.00, per case; to begin on November 21, 2019.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019189-HENDRICKS RONALD

Served

Complaint No. 20190402035

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)(Stairs & doors)

Property Location: 47 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000580

Zoning: R-4

Code Compliance Officer - Robert Chayer

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

*Order of Non-Compliance issued at the June 19, 2019 hearing:

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

*2nd Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

*3rd Amended Order of Non-Compliance issued at the September 18, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$6,000.00, per case; to begin on November 21, 2019.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019208-ABC DEMOLITION INC

Posted

Complaint No. 20190514005

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 unpermitted use of vacant lot

Property Location: Lakeview Dr, Deland 32720

Parcel No. 791304000165 Zoning: I-1

Code Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He showed the board pictures from October 7, 2019. He said there are still cars and no site plan for the cars, or the activity that's going on, on the property. Staff recommends a fine in the amount of \$100.00 per day, to commence on November 21, 2019.

Member Leonard asked if there was a cap on the fine.

Michael said no.

The Chairman asked if there were less vehicles on October 7th.

Michael repeated that there were still cars on the property without a site plan and the activity was still going on.

Edward Grimes, President of ABC Demolition, said he contacted Mike Wojtuniak at EPA; he was here with me, at the last hearing, because I'm not building anything, he has no idea what to design or what to do with the site plan. He said I have talked to two other engineers who are telling me, because I don't want to build anything, just have a construction, laydown yard, they have no idea what to do and they tell me they can't help me. He asked the board, if they could direct him to someone to do the site plan. He said he has been working with a surveyor. He reiterated that he's trying to come into compliance, but all the engineers and architects that he's talked to cannot help him, because he's not trying to build anything.

Mr. Grimes said the only thing that he wants to do with his property, is create a construction overflow property; a place to leave construction equipment when they're not on job sites. He said half of the vehicles are on it, are John Wilson's employees'. He said Mr. Wilson didn't realize where the property lines were and he said most of the stuff, is actually John's, who is the property owner next to me. Mr. Grimes said that Mr. Wilson

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submitted a conceptual site plan, because he wants to build a building; he said they're working on it. He pointed out another business that is putting up a building, he said he's the only one not putting up another building. He said the engineers asked him to draw a picture and submits it, because he's not looking to build.

Mr. Nelson said I would suggest you go talk to Zoning and Planning, because that's not a permitted use for this property without a primary structure; that's why the other ones are going through the site plan process. He said a contractor's laydown yard is not a permitted use for this property; that's why you're here. He said you need to talk to the Planners, about what you can use that property for and then the engineers will know what to do for you.

Mr. Grimes said okay, I don't know what to do, because that's strictly what I bought the property for. He said I own the building across the street, where I've got employee parking and a facility. He said it's a whole operational building and he bought the other property for equipment overflow.

Mr. Nelson said, which is not a permitted use. He said you need to talk to the Planners and try to get something close to what you want. He said I understand what you want to do and it does make sense, but it's not a permitted use and that's why you're here.

Mr. Grimes asked if there is any way that I could get the violations postponed, until Zoning tells me what I can and can't do. He said he is going to make an appointment with them today.

Member Zahn explained what Zoning would do.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Sections 72-241.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019218-LORD & COLLETT INC

Posted

Complaint No. 20190325002

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: 6458 Engram Rd, New Smyrna Beach 32169

Parcel No. 850501590250

Zoning: R-9W

Code Compliance Officer - Mark Kaufman

Property owner was first notified of the violation on Mar 27, 2019

*Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Mark Kaufman, Code Compliance Officer, presented the case.

Susan Hounsom gave her name and address for the record.

Mark said as of October 7th, a permit was issued for the deck. He showed the board his pictures. He said the permit is valid until February. Staff recommends a first amended order of non-compliance, with a hearing to impose fine scheduled for April 15, 2020.

The Chairman asked Ms. Hounsom if that was okay.

Ms. Hounsom said that's good.

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 April 15, 2020 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019246- MAIHLE RONALD

Served

Complaint No. 20190730045

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) (Expired permit)

Property Location: 1718 Evergreen St, Ormond Beach 32174

Parcel No. 424235020061

Zoning: R-5

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Aug 06, 2019

*Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. He said these are two separate addresses.

The Chairman said 246 is regarding 1718?

Robert said yes, sir. He said this is building without permit; there was a pole constructed. He said it was originally for 60 amps and it ended up being, 200 amps. Robert said there was an RV plugged into it, for a while. He said he spoke to Mr. Maihle yesterday, or the day before. He said the power has been cut to it. Robert told Mr. Maihle that he just needs to get rid of the pole. He said he went to the property, yesterday and the pole hasn't been removed.

Member Needham asked Robert, if Mr. Maihle said he would remove the pole.

Robert said Mr. Maihle said he was going to remove it. He said originally Mr. Maihle was going to combine the two properties and build a log cabin. He said Mr. Maihle submitted an application to combine the two properties, but two days later he pulled it and got his money back. Robert said when he spoke to Mr. Maihle he said he wasn't going to do that anymore. He said he hasn't heard anything about the log cabin. He said this particular violation is for the pole; he had to remove the pole and the pole is still there.

Member Wild asked if the pole belongs to the power company.

Robert said to his understanding it's an F.P.L pole, yes.

Member Wild said so how can he remove it?

Robert said when I talked to Mr. Maihle about that, one of the conversations we had, was to have FPL come out and remove it and get their pole back. He said another part of it

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was to take the box off of the pole. He said I told Mr. Maihle at the very least, if he could get that off the pole that would show that he's working towards compliance. He said after that point, we'd be on F.P.L's schedule, for taking the pole out. He said but from the picture there, he didn't make any progress whatsoever.

Member Hall asked if the R.V. was still on site.

Robert said the R.V. has been removed as of, yesterday.

Member Hall asked if there was any living structure there. Is he living there?

Robert said not that I can tell. Staff recommends a fine in the amount of \$50.00 per day, not to exceed \$5,000.00.

Mr. Brown asked if this is just the 246, or is this also the 247.

Robert said this is just 246.

Member Wild said so, this is just the pole.

Robert said this is just the pole.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$10.00 per day, not to exceed \$1,000.00, to begin on November 21, 2019.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019247- MAIHLE RONALD

Served

Complaint No. 20190725045

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

Property Location: 1716 Evergreen St, Ormond Beach 32174

Parcel No. 424235020051 Zoning: R-5

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Aug 02, 2019

*Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. He showed the board the October 16, 2019

new pictures that he took of the property. He said there has been some progress in the removal of the accessory structures. He discussed the items that were still on the property that would need to be removed. He said he was onsite at 2:30 p.m. yesterday to meet with Mr. Maihle, but he wasn't on site. Mr. Maihle said he was going to be at today's hearing, but he had car trouble.

Member Needham asked how much work has been done.

Robert said I would say, he's about 50% of the way done. He said this is a part of the application to combine both properties. He said at this point, no permits have been applied for. Staff recommends a fine in the amount of \$50.00 per day, not to exceed \$5,000.00.

The Chairman asked for clarification on the accessory structures that were left, after the motion was made.

Robert said the tent, a trailer and other things that would be considered accessory structures.

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, not to exceed \$5,000.00, to begin on November 21, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He showed the board his pictures. He said he was onsite yesterday and the grass is higher and there's still junk in the driveway.

The Chairman asked Michael, what he knows about Castello Holdings. He asked if there was any correspondence with them.

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Michael said no.

Mr. Nelson said they were for another case, Castello Holdings; they were at the CLCA. On the first Wednesday of this month, for a condemnation hearing. He said the property was condemned; he said he could not remember, how much time they gave. He said the board had asked him to cut the grass and the contractor said he would immediately.

The Chairman said and that's this property?

Mr. Nelson said yes. He said it's unrelated, but it is related. He said we have the junk and the unmaintained yard that's been that way for months. He said the contractor hasn't contacted our office or moved forward. He said I don't know where this is at, but as you can see they're not taking care of it.

The Chairman said the end result of that would possibly be, condemnation.

Mr. Nelson said yeah, I think the time period is 60 days; from the first Wednesday.

Member Needham asked if they indicated that a condition was to do the mowing.

Mr. Nelson said I didn't indicate it, but the board members asked them to. The contractor said that he would.

Staff recommends a fine in the amount of \$50.00 per day, per case, to commence November 21, 2019.

The Chairman asked if we need to respect the timeline of the CLCA.

Mr. Nelson said two different issues; junkyard and lot maintenance are zoning and the building in disrepair is building. He said they are separate issues.

Member Wild asked for the contractor's timeline to do the lawn.

Mr. Nelson said the contractor said within a week.

Member Zahn said it doesn't make any difference, we set this up and it's independent of that; if he goes and does it, then it's in compliance.

Mr. Nelson said and we were hoping that would happen. I was just trying to give the board some background.

The Chairman asked when the last time Michael had been to the property.

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Michael said yesterday.

The Chairman asked Mr. Steve Rose on what side of the property he lived on.

Mr. Rose explained where he lived using the picture from the presentation. He said he has a question about the fines on the property. He said they got a stop-work order that was put on this house for the debris in the carport, which began on April 30th of this year and it's been there since then. He said it took them until last month, to get a notice of cleaning it up. He said they've been under a stop-work order, since May 8th. He said May 8th is when the stop-work order was placed there for the debris in the garage. He said it was number three on the order and it hasn't been done.

Mr. Rose discussed the daily cost of ignoring a stop-work order. He talked about the daily cost of being a repeat offender. He said we were at this same Code Enforcement Board hearing on September 18, 2018, for this same reason. He said we were here for the grass and debris clean-up. He said I don't know why it's not listed as a repeat offender case. He said they went out there in June and cut the grass more than once and repeated it again.

The Chairman asked what the case was in September.

Mr. Brown said I think we're confusing the issues. The original case back in September should have been for these two violations, along with the unmaintained structure, for the original cases in September, there were three hearings. He said two of these were for the grass and the junkyard, which are back now for a fine/hearing. So it's the same case but the board in September found those three cases to be in violation, referred one as a dismissal to the CLCA, which now there is a 60 day notice that they have to maintain the structure or the condemnation procedures will continue at the CLCA. He said these two cases are back today for the fine/hearing, so it's not a repeat offender in accordance with the Florida statute, it's the same cases.

Mr. Rose this is the agenda for September 19th.

Member Wild said that was a new case then.

Mr. Cino said the process is two parts. The first step is to find in non-compliance, which they did last month and now, the issue of the fine is before us today.

Mr. Brown asked Mr. Rose if he had a 2018 agenda.

Mr. Rose said correct, it's a 2018.

Mr. Brown asked for the case numbers on that one.

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Mr. Rose said it's 20180727015. He said violations and declaration of nuisance, article two; grass/weeds in excess of 12 inches, yard, trash, rubble, debris or waste on the property.

Mr. Brown said and you're saying those were found to be in non-compliance then?

Mr. Rose said what happened on that day; I'm very confused actually, about how permits were given to them. He said you all let them go, because they had a permit. He said I think in a sense you dismissed it.

Mr. Brown said so that's why, it would not be a repeat offender, if that's what happened. He said there has to be an underlying violation found, for an order of non-compliance. It sounds like that didn't happen in the 2018 case.

Mr. Rose said truly I don't know what your resolution was, I was told they have a permit, so we're just going to let him go. He said they were allowed to build. He said I didn't know if it was dismissed or what. He said we are here for the same issues that have been going on since day one. He said he was confused as to why this wasn't a repeat violation.

Mr. Nelson said we cut the grass and liened the cost. He said it was done under the lot maintenance.

Mr. Cino said this is the first time, the board has heard this.

Mr. Brown said it doesn't sound like it; what is sounds like there were similar issues, in 2018 but there was a different resolution, where the board did not find it in violation. He said if non-compliance would have been found, the system would have pulled it over as a repeat offender.

Margaret Godfrey, Code Compliance Coordinator, said this was brought before the board as a building without permit and was found in non-compliance and there was an order imposing fine/lien issued against that property for it. She said it was never brought into compliance; this after-the fact permit should have done something, now it's been brought back as an unmaintained structure. She said its two different cases; it's two different violations.

Mr. Cino asked if there was a fine issued.

Margaret said yes and it's still running.

Mr. Cino said so, we did do something.

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Margaret said right, it's just never been brought into compliance, because the after-the-fact permit should have done it, if it had a final inspection, which it didn't. She said now it's come back as an unmaintained structure. She said it's a totally different violation.

The Chairman said instead of finding them as a repeat offender, we're finding them in violation of other ordinances.

Mr. Rose said \$50.00 per day seems lenient, especially if it's starting now.

Mr. Cino said the board hasn't come up with a figure yet.

Mr. Rose reiterated that \$50.00 a day is a little lenient. For what they've been going through.

Member Wild reminded Mr. Rose that there was already a fine running on the property.

Margaret said this property has also changed hands, over the past two or three years. She said it never even got to code board. She had to constantly re-notice and send notices to the new property owners, which is why it has taken this long.

Mr. Rose said since the first code board meeting, it has been the same owner.

Member Needham asked if the lot maintenance, was an issue last fall.

Mr. Brown said yes, but it was taken care of under the lot maintenance, section 58 of the nuisance code of county ordinances. He said it was a different process, because there was probably money to go out to maintain the property. He said when there's not money we send the lot maintenances to code enforcement board. He thanked Mr. Rose for correcting him and about the 2018; he said the violation at the time, was not brought into compliance which is why, if it was the same violation, it could be brought back as a repeat violation. He said what you have here, in 2019, is three new violations. He said if one of the new violations moves through the CLCA, as an unmaintained structure; that structure will eventually be gone, if the contractor or owner doesn't take care of it. He said I think that is a good resolution, for you. He said the two cases now are for the junkyard and the debris, moving forward.

Mr. Rose said the stop-work order that went up in May, included construction without proper permits. He said he has meant to sit down and write something, but he has to do the research so that it is correct. He discussed that the stop-work order said that the permits needed to be corrected. He said the work went beyond the scope of the permit.

Mr. Cino reminded the board and Mr. Rose, the cases that are in front of them today.\

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The Chairman explained what the motion meant, to Mr. Rose.

Mr. Brown said he would look into the property, for possible foreclosure.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day, per case, until compliance is achieved; to begin on November 21, 2019.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019272-CASTELLO HOLDINGS LLC

Posted

Complaint No. 20190823008

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

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:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day, per case, until compliance is achieved; to begin on November 21, 2019.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019276-HUFF LAYLA JEAN

Posted

Complaint No. 20190709011

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: 1004 Camphor Ln, Deland 32720

Parcel No. 701702210010 Zoning: R-3

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jul 13, 2019

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

Hearing to Impose Fine/Lien

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The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He showed the board new pictures from October 1, 2019. Staff recommends a fine in the amount of \$50.00 per day, not to exceed \$5,000.00; to commence on November 21, 2019.

Member Wild asked if there had been any contact with the property owners.

Michael said no.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, not to exceed \$5,000.00; to begin on November 21, 2019.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019087- FONTAINE JAMES L & PAMELA J

Served

Complaint No. 20181030018

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: 6270 S Atlantic Ave, New Smyrna Beach 32169

Parcel No. 850501310290

Zoning: R-9W

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Feb 15, 2019

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

*The Board continued this case from the June 19, 2019 hearing:

*1st Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case. She said this case is very close to compliance. She said the contractor spoke with Chris Hutchison, Code Compliance Manager, and is going to request an inspection. After, the inspection, we hope for compliance. Staff recommends a second amended order of non-compliance, with a hearing to impose fine scheduled for November 20, 2019.

The Chairman said for the record, Member Zahn has stepped to the podium and is no longer at the dais for this case.

Pete Zahn gave his name and address for the record. He said he did some design work for the wall. He said he's gone through the process and made some revisions. He said it

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was reviewed by Zoning and approved; the plans were signed and sealed and sent to the contractor, Ricky Shraeder, who sent them to the building department. He said it just needs a final inspection now.

Chris Hutchison, said he spoke with Ricky that morning; Ricky told him that he might need two more weeks.

Due to ex-parte communication, Member Zahn could not vote on the case. The outcome was not affected as there was a quorum and the vote was unanimous.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Second Amended Order of Non-Compliance and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-282.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

X. Hearings and Presentation of Filed Notices of Violations

CEB2019088- FONTAINE JAMES L & PAMELA J

Served

Complaint No. 20190221027

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). (Expired RAS permit #20180507048 for a concrete block, CMU, and concrete retaining wall)

Property Location: 6270 S Atlantic Ave, New Smyrna Beach 32169

Parcel No. 850501310290

Zoning: R-9W

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on March 1, 2019

THIS CASE WAS **CONTINUED**

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CEB2019033-STEEDLEY DONALD I

Served

Complaint No. 20181113018

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: 4 River Dr, Ormond Beach 32176

Parcel No. 420312001590 Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Nov 15, 2018

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Donald Steedley gave his name and address for the record.

The first complaint was on November 13, 2018, about an abandoned vehicle. Other complaints were received on April 25, 2019, which was unregistered vehicles and junkyard where not permitted. The certified notice of violation and the notices of hearing were all received. The last inspection of the property was on October 14, 2019. He explained his pictures to the board. Staff recommends a finding of non-compliance, with a compliance date of November 6, 2019 and a hearing to impose fine scheduled for November 20, 2019.

Member Needham asked if Robert could tell, if the red truck in one of the pictures was registered or not.

Robert said no, I couldn't tell if it was registered or not.

Mr. Steedley said the truck is registered.

Member Wild asked if it was operable.

Mr. Steedley said he has to put a spindle in it and he's having a hard time finding one. He said he'll have it done by the weekend. He said the boats are registered in Georgia and he can have them off the property by the weekend. He said the washing machines are gone and the other debris is in the process of being gone. He said he could have all the stuff off the property by November 6, 2019.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of November 6, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After

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

CEB2019287-STEEDLEY DONALD I

Posted

Complaint No. 20190425012

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: 4 River Dr, Ormond Beach 32176

Parcel No. 420312001590 Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Apr 27, 2019

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of November 6, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-287 (B).** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019288-STEEDLEY DONALD I

Served

Complaint No. 20190425016

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

Property Location: 4 River Dr, Ormond Beach 32176

Parcel No. 420312001590 Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Apr 27, 2019

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of November 6, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Sections 72-241.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

October 16, 2019

CEB2019113-HEATH LAURA

Served

Complaint No. 20180726027

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) (Expired permit Number 20170628040)

Property Location: 130 Shadowood Dr, Enterprise 32725

Parcel No. 910901000161

Zoning: RREA

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jul 30, 2018

THIS CASE WAS **CONTINUED**

CEB2019156-LUCAS DONALD L

Posted

Complaint No. 20181220029

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). Sheds, garages, carports. This includes all accessory structures on site

Property Location: 147 Evergreen Ter, Deland 32724

Parcel No. 603812000680

Zoning: MH-5A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jan 22, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said the latest inspection was a couple days ago and all the items were still out there. She received a complaint last year. The certified notice of violation, was received. When she went out to look at the sheds, she found other violations. She said the R.V was plugged in, but it has since been disconnected. All the notices have had to be posted, which was done.

Margaret said she's only had one communication and that was with his daughter. She said at the time he was in the hospital and now he's incarcerated. Staff recommends a finding of non-compliance, with a compliance date of November 6, 2019 and a hearing to impose fine for November 20, 2019. She said it's all still sitting there.

Margaret explained her pictures to the board. She said the RV connected to power, was part of the original violation, now it has been unhooked and it's 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 November 6, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by

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voice vote.

CEB2019283-LUCAS DONALD L

Posted

Complaint No. 20190828055

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: 147 Evergreen Ter, Deland 32724

Parcel No. 603812000680

Zoning: MH-5A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jan 22, 2019

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, 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 November 6, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-287 (B).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019284-LUCAS DONALD L

Posted

Complaint No. 20190828057

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: 147 Evergreen Ter, Deland 32724

Parcel No. 603812000680

Zoning: MH-5A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jan 22, 2019

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, 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 November 6, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After

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

CEB2019157-WELDON DUANE B

Served

Complaint No. 20190219053

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted. (Scrapped metal, rubber tires, glass, wood scraps, plastic, tools, equipment, fixtures, appliances, construction materials, automobile parts, and/or discarded automobile.

Property Location: 2050 Spencer St, Deland 32720

Parcel No. 694411000070

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Mar 15, 2019

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Duane Weldon gave his name and address for the record.

Margaret said they received a complaint about the property back in February. She said the certified notice of violation and the notices of hearing were received. She said the county went in and mowed and found vehicles. She said she didn't know they were there, until they mowed. She said that was added onto the list. Margaret said she has had, some conversations with Mr. Weldon. He said he knows he needs to get rid of the junk and have the cars removed. She said that conversation, was shortly after the first notice of hearing was received. She said the county does have a lien against it, for the lot maintenance. Staff recommends a finding of non-compliance, with a compliance date of November 6, 2019 and a hearing to impose fine scheduled for November 20, 2019.

Member Wild asked if the two vehicles in the picture, are the only ones on the property.

Margaret said those are the only ones I saw.

Mr. Weldon said the blue car, I can get rid of because I'm not going to fix it. He said the other truck is a 1980 International Scout. He said he's made his living restoring vehicles and he's had the Scout for 30 years. He explained to the board that he has been diagnosed with stage 4, Metastatic Malignant Melanoma in April and he hasn't been able to work since. He said he wanted to restore the Ford truck. He said the yard is cleaned up and he paid a neighbor to mow the grass; he said the pictures are not current. He asked the board if he could buy a cover for the Ford truck and the Scout. He said he can't afford to insure them.

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Member Wild asked Mr. Weldon, if he had a garage to put the vehicles in.

Mr. Weldon said he does not have a garage. He said where you see the Ford truck, is not visible to any of the neighbors. He said he could both vehicles across the street in the woods, on the lot that he owns. He said nobody would ever know they are there.

The Chairman asked if the first case would be in compliance, because the debris is gone.

Margaret said she would have to go back and inspect it.

Mr. Weldon explained how the yard had been cleaned up. He said the blue car, will be gone either today or tomorrow. He said that he doesn't have any friends that could store the truck and the Scout for him.

The Chairman asked if Mr. Weldon had the money to license the vehicles.

Mr. Weldon said he doesn't have the money to insure both vehicles.

Margaret said the ordinance says, enclosed garage.

Mr. Nelson asked if these were part of the original complaint.

Margaret said no, the original complaint was for lot maintenance and they showed up.

Mr. Nelson and Margaret said the board could give him more time.

The Chairman asked if the county mowed.

Margaret said yes, but it has been maintained since then.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of February 6, 2020 and a Hearing to Impose Fine/Lien to be scheduled for the February 19, 2020 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Sections 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019289-WELDON DUANE B

Served

Complaint No. 20190807035

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: 2050 Spencer St, Deland 32720

Parcel No. 694411000070

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of February 6, 2020 and a Hearing to Impose Fine/Lien to be scheduled for the February 19, 2020 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019186-MCCOMAS LAURIE

Served

Complaint No. 20190422007

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) (Mobile home)

Property Location: 1555 Ramsey Acres Ln, Lake Helen 32744

Parcel No. 810300000027

Zoning: A-1

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on May 01, 2019

THIS CASE WAS CONTINUED BY THE BOARD

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CEB2019230-PAEZ ANTONIO JR. & VERONICA CRUZ

Posted

Complaint No. 20190613002

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: 126 W Baxter St, Deleon Springs 32130

Parcel No. 694301010010

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 21, 2019

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Antonio Paez gave his name and address for the record. He said this is his investment property, so he's here to contest.

Margaret said we received a complaint about exposed wiring, while one of our inspectors was out. She said he was out at the house next door, when he noticed the wiring. The property was posted with a 10 day notice and the power is off. As of July 1st, the notice of violation was received by the previous owners. It was sold to Mr. Paez and I posted the property, with the notice of violation and notice of hearing on August 26, 2019. She said it has the new owners name on it and the notices were also signed for, by Mr. Paez.

Margaret explained her pictures to the board. She said it had a carport that had been enclosed for a bedroom that has since been pulled down. Kerry Leuzinger, Chief Building Official, was out there a few days ago and he said we're going to send this to the CLCA. Staff recommends a finding of non-compliance and an order of dismissal.

Mr. Paez said I bought this property back in July. He said I was never made aware of this; he said he bought the property, as-is. He said the pictures that Margaret has are old pictures. He said we have cleaned the property up. He said they have taken four or five dumpsters out of there. He said they are maintaining the property and they're going to get a licensed contractor and sub-contractors. He said their intent to rebuild the house and come into compliance. He said I don't feel it is necessary to refer it to the CLCA board. He said I bought the property as an investment and rebuild the house. He said I work with engineers and architects and since I have a little bit of knowledge of that, I can do my own drawings and bring the house into compliance. He said that Margaret's pictures are outdated, he invited her on the property to take new ones.

Margaret said there is no lot maintenance or junkyard case against this property. She said and yes, it has been cleaned up, but Mr. Leuzinger went out there and said this is going to have to go to CLCA. She said Mr. Leuzinger is the one that made the final October 16, 2019

decision.

Mr. Nelson suggested they dismiss the case and that Mr. Paez contact Mr. Leuzinger with a plan of action. He said if he gave a plan of action, he might hold off.

Mr. Paez asked if that was the due process.

Mr. Nelson said yeah.

Mr. Paez said I think that is fair. He explained what they've done on the property.

Mr. Nelson explained the process of CLCA and explained that there would be time given.

The Chairman asked if it was secure.

Mr. Paez said it is not open to the public. He said there's metal railings on the windows.

Based on the evidence and testimony provided, Member Zahn **MOVED to dismiss the case without prejudice and refer it to the CLCA.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019253-HOCQUARD AXEL G II

Posted

Complaint No. 20190123013

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: 108 Douglas St, Edgewater 32141

Parcel No. 853809003760

Zoning: MH-5W

Code Compliance Officer - Mark Kaufman

Property owner was first notified of the violation on Jan 25, 2019

THIS CASE WAS CONTINUED

CEB2019255-HOCQUARD AXEL G II

Posted

Complaint No. 20190123011

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

Property Location: 108 Douglas St, Edgewater 32141

Parcel No. 853809003760

Zoning: MH-5W

Code Compliance Officer - Mark Kaufman

Property owner was first notified of the violation on Jan 25, 2019

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THIS CASE WAS CONTINUED

CEB2019262-KLEPPA IAN P

Posted

Complaint No. 20190628007

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) (Additions/renovations)

Property Location: 116 S Cory Dr, Edgewater 32141

Parcel No. 841205001270

Zoning: R-3W

Code Compliance Officer - Mark Kaufman

Property owner was first notified of the violation on Jul 23, 2019

THIS CASE WAS CONTINUED

CEB2019263-KLEPPA IAN P

Posted

Complaint No. 20190628009

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: 116 S Cory Dr, Edgewater 32141

Parcel No. 841205001270

Zoning: R-3W

Code Compliance Officer - Mark Kaufman

Property owner was first notified of the violation on Jul 23, 2019

THIS CASE WAS CONTINUED

CEB2019268-ROBERTS LEROY G III

Posted

Complaint No. 20190213040

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: 338 Orange Ave, Orange City 32763

Parcel No. 800905140370

Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

THIS CASE WAS WITHDRAWN

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CEB2019275-BALL JIM & KERRI

Served

Complaint No. 20180530053

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). Renovation and or remodel with no evidence required permits and inspection approvals.

Property Location: 300 Oak Dr, Deland 32724

Parcel No. 602803000600

Zoning: MH-5A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jul 23, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. This case came to our attention in May of 2018. The certified notice of violation was received, in July of 2018. There was a permit issued, but it only addressed the rewiring or replacing plumbing and fixtures. She said they were also doing the windows, doors, part of the roof, siding; that was never addressed. There is no power to the building. She said it looked like someone was doing something on the roof.

She said Kerry Leuzinger, Chief Building Official, had been out to the property and he determined that the property needs to go before the CLCA. Staff has spoken to Mr. Ball on a few occasions, but his efforts have not gone past that first permit. Staff recommends a finding of non-compliance and an order of dismissal and the property will be referred to the CLCA.

The Chairman asked what the scope of work was, for the permit.

Margaret said it was for rewiring and replacing some plumbing. She said it did not cover any of the work that was actually done.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue and Order of Non-Compliance and an Order of Dismissal with referral to the CLCA.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019281-BUTLER RANDY TR & WILLIAMS GENEVA LAND TRUST

Served

Complaint No. 20190725017

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). (Broken windows, roof issues, house is not secure, etc)

Property Location: 1101 S Adelle Ave, Deland 32720

Parcel No. 702012010010

Zoning: R-5

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Aug 08, 2019

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said this came to our attention back in July. She showed the board her pictures. She said the county had to go in and mow the grass and the house is actually leaning. She said its wide open and all the windows are broken. She said she had one conversation with Mr. Butler and he stated that he just wanted to get rid of the property, he didn't want to deal with it any more. Staff recommends a finding of non-compliance and an order of dismissal and the property will be referred to the CLCA. She said she believes it's already been posted and we've requested that the power be cut off. She said it did have power to it.

The Chairman said for the record, member Needham left for his appointment. He asked if staff had contact with the power company.

Margaret said they e-mailed yesterday, to request that the power be shut off. She said she didn't know if they responded back, yet.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue and Order of Non-Compliance and an Order of Dismissal with referral to the CLCA.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

October 16, 2019

CEB2019297-GEATCHES MATTHEW EARL ETAL

Sheriff-Served

Complaint No. 20190613051

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: 380 Katrina St, Deleon Springs 32130

Parcel No. 694311070050

Zoning: R-3

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on June 27, 2019

The respondent was not present for the hearing.

Isiah Pitts, Code Compliance Officer, presented the case. He said this is a lot maintenance case for grass and debris. The certified notice of violation was posted on June 27, 2019. The certified notice of hearing was posted on October 4, 2019. The last inspection was yesterday. He said the grass has been cut, at this time. He showed the board a before and after picture of the property. He said the debris remains and has been added to. He said the grass is cut and we would like to recommend an order of non-compliance and order of dismissal; we have started a junkyard case for the debris.

Margaret said this has been an ongoing issue, for a few years. She said he always seems to be able to come into compliance, under the wire, so we wanted to bring it before the board.

Based on the evidence and testimony provided, Member Wild **MOVED to issue and Order of Non-Compliance and an Order of Dismissal because they're in compliance, at this time.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019347- SHOUP KIM

Posted

Complaint No: 20190910008

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7, SECTION 72-241 Excavation without the required permits, exemptions and/or approvals

Property Location: 4988 Old Blue Ridge Rd, Edgewater 32141

Parcel No. 8443-01-00-0132

Zoning: A-2

Zoning Compliance Officer – Mark Kaufman

Property owner was first notified of the violation on October 4, 2019

THIS CASE WAS WITHDRAWN

October 16, 2019

IX. Requests for Discussion of Fines

- A. Tally Sheets (Quarterly)**
- B. As Entertained by Chairman**
- 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 11:06 p.m.

Respectfully submitted,

Meghan Lindsey
Code Enforcement Board Clerk

October 16, 2019

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 _____, 2019, in the City of DeLand, County of Volusia, State of Florida.

**Meghan Lindsey
Code Board Clerk**

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