



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

October 17, 2018

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**
- Tom Wright**
- Donald Needham**
- Charles Cino, Board Attorney**
- Pete Zahn**
- Gerard Smith**

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**
- Kerry Leuzinger, Chief Building Official**
- Michael Mazzola, Code Compliance Officer**
- Christopher Hooper, Code Compliance Officer**

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APPROVAL OF MINUTES

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Member Needham moved to APPROVE the September 19, 2018 Code Enforcement Board minutes. Member Wright SECONDED the motion that CARRIED unanimously by voice vote.

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October 17, 2018

UNFINISHED BUSINESS

CEB2011099-SANCHEZ JON & PATRICIA JTRS

Served

Complaint No. 20110319003

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: 1491 13th St, Orange City 32763

Parcel No. 800401730010 Zoning: R-4

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Jul 16, 2011

*Final Order of Non - Compliance/Imposing Fine Lien issued at the August 17, 2011 hearing:

Order of Compliance

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

CEB2011100-SANCHEZ JON & PATRICIA JTRS

Served

Complaint No. 20110319002

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

Property Location: 1491 13th St, Orange City 32763

Parcel No. 800401730010 Zoning: R-4

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Mar 22, 2011

*Final Order of Non - Compliance/Imposing Fine Lien issued at the August 17, 2011 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 27, 2018:

Order of Compliance

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

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CEB2017091-PERRYMAN OWEN JOSEPH & KAY

Served

Complaint No. 20160725004

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

Property Location: 898 Snook Av, New Smyrna Beach 32169

Parcel No. 850501540190

Zoning: R-9W

Code Compliance Officer – Debbie Zechnowitz

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

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

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

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

*3rd Amended Order of Non-Compliance issued at the January 17, 2018 hearing:

*4th Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

*5th Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

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

Order of Compliance

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

CEB2018205-WARWICK ARLINE

Posted

Complaint No. 20180405018

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

(including, but not limited to, shed, block wall, plumbing, electrical)

Property Location: 4211 S Peninsula Dr, Port Orange 32127

Parcel No. 631204004250

Zoning: R-3(S)

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on April 5, 2018

*Order of Non-Compliance issued at the May 16, 2018 hearing:

*1st Amended Order of Non-Compliance issued at the July 18, 2018 hearing:

Order of Compliance

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

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CEB2018206-WARWICK ARLINE

Posted

Complaint No. 20180405020

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

Property Location: 4211 S Peninsula Dr, Port Orange 32127

Parcel No. 631204004250

Zoning: R-3(S)

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on April 5, 2018

*Order of Non-Compliance issued at the May 16, 2018 hearing:

*1st Amended Order of Non-Compliance issued at the July 18, 2018 hearing:

Order of Compliance

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

CEB2018275-REDMOND DONALD R

Served

Complaint No. 20180215022

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Expired MECH permit #20170511001

Property Location: 28 River Shore Dr, Ormond Beach 32176

Parcel No. 323404000830

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

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

Order of Compliance

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

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CEB2016048-GRAF GREGORY

Served

Complaint No. 20140911004

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

Property Location: 2900 Tangelo Rd, Edgewater 32141

Parcel No. 844301001620

Zoning: RC

Code Compliance Officer – Debbie Zechnowitz

Property owner was first notified of the violation on Sep 15, 2014

*Order of Non - Compliance issued at the April 20, 2016 hearing:

*1st Amended Order of Non-Compliance issued at the October 19, 2016 hearing:

*2nd Amended Order of Non-Compliance issued at the April 19, 2017 hearing:

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

*4th Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case. This was an expired permit for a single-family residence. There's also a shed and a gazebo constructed without permit. The permit is expired. We did receive information yesterday, from an attorney for the respondent's ex-wife; she was informed by the contractor that this residence was completed. Her client has been making regular, consistent withdraws; paying to complete this. Staff believes that no work is being done on this, whatsoever on the property.

Staff is recommending a fifth amended order of non-compliance because we're hearing from attorney's dealing with the property. There's also a civil suit going on with the property and we've heard from that attorney as well. So, this is why we're recommending a fifth amended order.

Mr. Nelson asked Chris if the property had been mowed and if there were any life/safety issues.

Chris said correct.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Fifth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2016049-GRAF GREGORY

Served

Complaint No. 20150522017

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 All construction requires building permit(s) and inspection approval(s). (Expired Permit #20140327006 for SFR)

Property Location: 2900 Tangelo Rd, Edgewater 32141

Parcel No. 844301001620 Zoning: RC

Code Compliance Officer – Debbie Zechnowitz

Property owner was first notified of the violation on May 26, 2015

*Order of Non - Compliance issued at the April 20, 2016 hearing:

*1st Amended Order of Non-Compliance issued at the October 19, 2016 hearing:

*2nd Amended Order of Non-Compliance issued at the April 19, 2017 hearing:

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

*4th Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Fifth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2016154-DAVIS TAMBRA N TR

Served

Complaint No. 20150821039

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

Property Location: 4287 S Atlantic Av, Port Orange 32127

Parcel No. 631201120040 Zoning: R-9

Code Compliance Coordinator – Margaret Godfrey

Property owner was first notified of the violation on Aug 31, 2015

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

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

*2nd Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

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

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

*Certified letter sent informing of CEB time change

*5th Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*6th Amended Order of Non-Compliance issued at the September 19, 2018 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. We have had a meeting; the property owner, contractor, Chief Building Official, Zoning Manager, Plans Review and the Building Code Administration Director. This meeting was to get us all on the same page, as to what's going to happen on this property. They need new drawings. Kerry Leuzinger, Chief Building Official, has been out to look at it, to see what they can do. There is a meeting scheduled on October 29, 2018 to talk with them. Staff is recommending a seventh amended order of non-compliance, with a hearing to impose fine scheduled for December 19, 2018.

Mike Nelson, Building Code Administration Director, said this is effected by the Coastal Construction Control Line and so, the plans and documents that were submitted did not adequately reflect the damage that had been done to the structure. Mr. Nelson said that we were not expecting it to be demolished down to the walls. We're to the point dollar-wise that we're not sure they can replace it. He said that's where we are right now; we're kind of stuck right now. Mr. Nelson said it's a very expensive piece of property, but you're looking at a structure now that's not compliant.

The Chairman asked if the structure was damaged by a hurricane, or if it was just remodeled.

Margaret said that it started out as an unmaintained because of the roof. She said the roof was permitted and finalized, but hurricane Mathew came in and tore it up. Margaret explained that they had to come in and repair the roof; she wasn't sure if they just decided to come in and remodel the whole thing while they were at it. Margaret said they got a permit but the permit does not include demolition and then rebuild. She said the only demolition that would have been allowed, was to take out an interior wall.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Seventh Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the December 19, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017198-WELLER MARIA JO & LIVELY ANGELA S

Served

Complaint No. 20170227044

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

Property Location: 300 Uranus Tr, Osteen 32764

Parcel No. 92170000032

Zoning: ORE

Code Compliance Officer – Michael Mazzola

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

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

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

*2nd Amended Order of Non-Compliance issued at the January 17, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*4th Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. On October 1st, Michael posted the property with the amended order. Staff is recommending a fine in the amount of \$50.00 per day, not to exceed \$11,600.00; to commence on November 22, 2018.

The Chairman asked Michael if there had been any correspondence with the property owner or the contractor.

Michael said there had been none. He said the last time he had been to the property, had been on October 1st. Michael stated that he even knocked on the door.

Member Needham asked if anyone was living there.

Michael said that there was a car there, but no one answered the door.

Member Needham asked if the electrical system was intact.

Michael directed the board to his pictures and showed them the pole.

Mr. Nelson said that we should get an affidavit stating that the electrical system is safe.

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 , not to exceed \$11,600.00 to begin on November 22, 2018. The board further ordered, that an affidavit certifying that the electrical system is safe be submitted within 10 days of the hearing.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018148-CASTELLO HOLDINGS LLC

Served

Complaint No. 20180309016

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

Property Location: 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 Sep 07, 2018

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. Staff recommends a fine in the amount of \$50.00 per day, not to exceed \$7,300.00; to commence on November 22, 2018.

The Chairman asked if there had been any correspondence with someone from Castello.

Michael said there had been none.

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 , not to exceed \$7,300.00 to begin on November 22, 2018.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018407-CASTELLO HOLDINGS LLC

Served

Complaint No. 20180727015

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 Sep 07, 2018

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. The site and conditions remain unchanged. Staff recommends an order of dismissal, as this case will be referred to

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the county contractor for lot maintenance.

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

CEB2018260-PICERNO ROCCO P JR

Served

Complaint No. 20161026041

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

Property Location: 146 Longwood Dr, Ormond Beach 32176

Parcel No. 420303000720

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Nov 03, 2016

*Order of Non-Compliance issued at the August 15, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. A permit was issued but it expired on October 11, 2018. There were no inspection requests. Staff is recommending a fine in the amount of \$50.00 per day, not to exceed \$16,000.00; to commence on November 22, 2018.

The Chairman asked if there had been any communication with Mr. Picerno.

Margaret said it has been several months, since I talked with him.

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 \$16,000.00 to begin on November 22, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018274-REDMOND DONALD R

Served

Complaint No. 20180109032

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

Property Location: 28 River Shore Dr, Ormond Beach 32176

Parcel No. 323404000830

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. The mechanical permit was finalized and that case was brought into compliance. There was a residential permit that was applied for, but the permit did not cover the scope of work performed on the property. Staff recommends a first amended order, with a hearing to impose fine scheduled for November 21, 2018.

Arthur Huggins, Mr. Redmond's attorney, gave testimony on his client's behalf. He gave his name and address for the record. Mr. Huggins explained that Mr. Redmond has medical issues currently. He asked for a continuance of two months. Mr. Huggins explained that his client did apply for a residential permit. He explained that the last time they were before the board, there was an intent to sell the property. He said that has been cancelled. He said Mr. Redmond is now trying to find a contractor, to pull the permit.

Mr. Huggins asked Margaret if the permit had been pulled.

Margaret said no.

The Chairman asked what type of permit had been applied for.

Margaret explained that it is an after the fact permit, but it did not cover all the work that had been done on the property.

The Chairman asked if the Zoning Department had asked for additional information.

Margaret said they had and that's why it's in zoning review.

The Chairman asked if Mr. Redmond lives on the property.

Mr. Huggins said that he does.

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Mr. Nelson asked Margaret if there was a 10 day electrical affidavit for this property.

Margaret said that there wasn't.

Mr. Nelson said that we need to get one.

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 January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. The board further ordered that an affidavit certifying that the electrical system is safe be submitted within 10 days of this hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018291-US BANK TRUST NA TR

Served

Complaint No. 20180111008

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

Property Location: 1461 Highridge Av, Daytona Beach 32124

Parcel No. 620602220220 Zoning: R-4(5)A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Mar 02, 2018

*Order of Non-Compliance issued at the September 19, 2018 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 no permit applications to date; the site and conditions remain unchanged. Staff is recommending a fine in the amount of \$50.00 per day, not to exceed \$5,000.00; to commence on November 22, 2018.

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

Margaret said nope.

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, not to exceed \$5,000.00 to begin on November 22, 2018.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018323-GRANT ROBERT N JR

Served

Complaint No. 20180515014

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: 4648 Nellie St, Edgewater 32141

Parcel No. 853809003890

Zoning: MH-5W

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on May 17, 2018

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case. On September 27th, Debbie made contact with a friend of Mr. Grant's; her name is Brandy Tindell. Debbie explained the violations and ongoing complaints to Ms. Tindell. She said that she was there with Mr. Grant to help him with some problems and she would work on getting things into compliance.

Debbie showed the board her pictures.

On October 5th, Debbie received an e-mail from Ms. Tindell; she explained that Mr. Grant was in the hospital. Ms. Tindell stated that Mr. Grant had injured his hand and she provided three photos. Debbie explained that one photo was of Mr. Grant's hand and the other two, were of the progress on the property.

Debbie conducted her last inspection of the property on Monday. She said that she met Mr. Grant and he invited her to walk the property. Debbie said that the front of the property does look much better, but the backyard is still in violation.

The Chairman asked which vehicle, was the subject of the vehicle violation.

Debbie showed the board the untagged, PT Cruiser in her pictures.

The respondent gave his name and address for the record.

The Chairman asked Mr. Grant his intentions for the PT Cruiser.

Mr. Grant said that he's going to have it towed to someone's garage.

The Chairman explained that when the PT Cruiser is removed from the property, the violation will be cured.

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Mr. Grant said it will be pulled to the front; it'll be pulled out.

The Chairman advised Mr. Grant to call Debbie for an inspection, when the PT Cruiser is removed.

Mr. Grant explained that he lost his job this year and that he's diabetic. He said some days he can walk and some days he can't.

The board and staff discussed what the recommendation should be.

Debbie explained that she had a different recommendation, until she saw how packed the backyard is. She said that there have been many complaints on the property.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day , not to exceed \$3,500.00 to begin on November 22, 2018.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018322-GRANT ROBERT N JR

Served

Complaint No. 20180515013

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

Property Location: 4648 Nellie St, Edgewater 32141

Parcel No. 853809003890

Zoning: MH-5W

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on May 17, 2018

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Debbie Zechnowitz, 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 \$25.00 per day , not to exceed \$3,500.00 to begin on November 22, 2018.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018336-STOR-ALL KING ARTHUR LLC

Served

Complaint No. 20180305001

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. There have been no permit extensions requested and the original application is still incomplete. Staff is recommending a fine in the amount of \$100.00 per day, to begin on November 22, 2018; not to exceed \$100,000.00, but now we do have representation. Bobby and Larry are here to provide testimony.

Larry Cox gave his name and address for the record. He explained that he was representing the property owner. He said that the damage happened during hurricane Mathew. Mr. Cox said the property owner is eager to have his dock repaired, as he has had to have his boat stored elsewhere.

Bobby Shepard gave his name and address for the record. He explained that he is the contractor for the property owner. He said the permit has been put in and he's waiting on the longshoreman to be e-mailed in. He said that he was advised that there changing part of the dock, into a floating dock. Mr. Shepard said that he had the drawings re-engineered. He said that he's talked to the engineer and it's going to take three to four weeks.

Member Zahn asked if the floating dock is going to be the same size, or smaller.

Mr. Shepard said the same size.

Member Zahn commented on DEP and other permitting agencies policies.

Margaret said they came in and spoke with Kerry Leuzinger and I; they were told, that revisions needed to be made, in the areas that would be changed.

The Chairman commented that there was communication now.

Margaret said that the property owner was having health issues and he didn't know that

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people could come in and speak on his behalf.

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 December 19, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018337-STOREY MARY FARR TR

Served

Complaint No. 20170620060

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

Property Location: 4713 Van Kleeck Dr, New Smyrna Beach 32169

Parcel No. 743504020070

Zoning: R-4W

Code Compliance Coordinator - Margaret Godfrey

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

*Order of Non-Compliance issued at the September 19, 2018 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 resolve the violation was issued, but expired on February 14, 2018. There have been no inspection requests or approvals. There have been no requests for permit extensions and the site and conditions remain the same. Staff is recommending a fine in the amount of \$100.00 per day, to commence on November 22, 2018; not to exceed \$120,000.00.

Margaret said there has been no more contact with her, since the meeting that staff had with the contractors. She said that she didn't think Kerry had been in contact, as well.

Mr. Leuzinger told Margaret that he had not had contact, and Margaret informed the board.

Margaret explained why the permit expired to the board.

Mr. Nelson said that work was done without permits, initially. The permit that expired was an after the fact permit.

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After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , not to exceed \$120,000.00 to begin on November 22, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

X. Hearings and Presentation of Filed Notices of Violations

CEB2017323-NEHME SABLE & JAKE

Posted

Complaint No. 20170426075

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

Property Location: 1232 Kilgore St, Daytona Beach 32117

Parcel No. 520200000100 Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. On April 26, 2017, and onsite inspection showed an addition being built on the back of the property. Mr. Nehme said that he was just rebuilding what was there.

Margaret showed the board pictures from pictometry, which showed that the addition was never there; the pictures were from 2016. The property was posted with both the notice of violation and the notice of hearing. Margaret received a call from Mr. Nehme in late January, asking what needed to be done. It was explained that the addition needed to be addressed and that there was also a shed and a carport that weren't permitted. He asked for a continuance in April and was given one.

Mr. Nehme called Margaret several times to come out to the property to inspect, but every time she inspected, the items were still there. She said that upon further research, the accessory structures probably don't meet setbacks. She said that the carport is directly on the line. There have been no permit applications to date; the site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of November 7, 2018 and a hearing to impose fine scheduled for November 21, 2018.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of November 7, 2018 and a Hearing to**

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Impose Fine/Lien to be scheduled for the November 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017432-CLAFFY DORA M & PATRICIA C PERRY

Posted

Complaint No. 20170815052

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: 1405 E New York Av, Deland 32724

Parcel No. 701106000150

Zoning: B-2CA

Code Compliance Officer - Christopher R. Hooper

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

The respondent was present for the hearing.

Christopher Hooper, Code Compliance Officer, presented the case. We received a complaint on August 15, 2017, about the condition of the structure. We mailed out a notice of violation. The owner's son Mark called and explained that his mother is disabled and a tree had fallen on the roof from the previous hurricane. He said the roof is damaged and he would get a permit to resolve the issue.

On September 29th, Mark e-mailed Christopher; he said he was going to apply for assistance for his mother. Christopher said he called and left a voicemail in December and he didn't hear back. Christopher posted the property with the notice of hearing on January 12, 2018.

Mark called on March 13, 2018 and explained that he didn't get the assistance. Christopher heard from him again on August 1st. Mark explained that he was going to get a permit. As of yesterday, there were no applications or permits in the system. Staff is recommending a finding of non-compliance, with a compliance date of November 7, 2018 and a hearing to impose fine scheduled for November 21, 2018.

Mark Kane give his name and address for the record. He clarified that Dora Claffy passed away 20 years ago and that Patricia is his mother-in-law. He said her daughter Patricia has been living at the property. Patricia is disabled and lived on disability. Patricia was admitted into long-term care in January of 2018, so she is no longer living at the residence.

Mr. Kane said her daughter, which is my wife, is trying to figure out how to remedy this situation for her, because she cannot do it herself. He said he is requesting more time, to get this resolved.

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The Chairman asked if there is a hole in the roof.

Mr. Kane said there is a hole in the roof with a tarp on it. He said it can be repaired, but the recommendation of Zoning is to replace it.

Member Wild asked Mr. Kane, what kind of resolution is he looking for and how much time.

He said the long-term solution is to sell the property. He said given the situation, it's going to be difficult, but he's looking for solutions.

Mr. Kane asked for 6 months.

Member Needham asked about the electrical service.

Mr. Kane said that the electrical service is on. He said that he goes there once a month or once every-other month with his wife. He said a neighbor collects the mail and makes sure everything is properly running there. He said they are paying the power and water bill.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of February 10, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the February 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018263-HARRIS CAROLE A

Served

Complaint No. 20180328015

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

Property Location: 906 Camphor Ln, Deland 32720

Parcel No. 701702200050 Zoning: R-3

Code Compliance Officer - Michael Mazzola

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

THIS CASE WAS CONTINUED BY THE BOARD.

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CEB2018283-BURIGO JOSEPH J & JANET P

Posted

Complaint No. 20180118057

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (expired roofing permit #20170420010)

Property Location: 45 Sunset Blvd, Ormond Beach 32176

Parcel No. 322705000410

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jan 25, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. While researching the property on January 18, 2018, for the original short-term rental violation; staff found an expired roofing permit. The permit was issued April 27, 2017, to replace a section of the roof due to a ponding problem. The permit expired with one inspection, which failed.

On February 19, 2018, an extension request was made, because there were problems scheduling the repairs. The extension was granted. On February 28th, an inspection was partially failed again. The notes said that it hasn't rained in two days and it's still ponding in that section.

On May 23, 2018, the permit expired with no inspection requests or approvals. There have been no extension requests. On July 30th, the permit center received an e-mail from the contractor of record, requesting that their name be removed from the permit; due to the homeowner refusing to do the necessary repairs. Margaret said they were trying to tell him what he needed to do and he said no and he expected them to pay for it. Staff is recommending a finding of non-compliance, with a compliance date of November 7, 2018 and a hearing to impose fine scheduled for November 21, 2018.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of November 7, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018297-SPENCER ROBIN & CHARLES L FUTCH

Posted

Complaint No. 20160613014

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

Property Location: 2048 Toni St, Ormond Beach 32174

Parcel No. 412402000320

Zoning: MH-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 20, 2016

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. On May 27, 2016, Building Inspector, Frank Godawa, saw an addition being built, without evidence of the required permits or inspection approvals. He spoke with the tenant, who said that he would contact the owner. On May 31, 2016, staff received a call from Ms. Spencer, who wanted information on permitting; she was transferred to the permitting department.

On June 17, 2016, staff received a call from Ms. Spencer, who received the notice of violation but was waiting on her disability check, to get the required survey. She said the survey could take up to two weeks. The Zoning Department gave Ms. Spencer advice as to what she should bring in, as she was converting the unfinished, enclosed porch into a bedroom.

On June 22, 2016, staff was forwarded an e-mail from Ms. Spencer, with the survey attached. There has been nothing since. On September 12th, the property was posted with the notice of hearing. There have been no permit applications, submitted to date and the site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of November 7, 2018, and a hearing to impose fine scheduled for November 21, 2018. Staff also recommends an affidavit certifying that the electrical is in safe working order be submitted to Kerry Leuzinger, Chief Building Official, within 10 days of this hearing.

Member Wild asked if there had been any contact with the owner since September.

Margaret said no.

Margaret discussed her pictures with the board.

Based on the evidence and testimony provided, Member Zahn MOVED to issue an Order of Non-Compliance with a compliance date of November 7, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. The board further ordered that an affidavit from a Florida licensed contractor, verifying

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the safety of the electrical installation to be sent to the Chief Building Official within 10 days of this hearing, or the power is to be shut off. After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018350-SMITH TERENCE L & KATHY D

Posted

Complaint No. 20180424006

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: 1640 Horseshoe Rd, Enterprise 32725

Parcel No. 910802010081

Zoning: PUDEA

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on May 29, 2018

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

The board asked to see the pictures of the cars.

On April 12, 2018 Michael did an inspection and found a truck with expired tags. On May 29, 2018, Michael posted the notice of violation on the property, as it came back return mail. On August 2, 2018, Michael did another inspection and the truck was still on the property. On September 17, 2018, Michel posted the notice of hearing on the property. On October 9, 2018, the truck was still on the property. Staff recommends a finding of non-compliance, with a compliance date of November 1, 2018 and a hearing to impose fine scheduled for November 21, 2018.

The Chairman asked the exact location of the truck.

Michael explained that the truck is parked next to the driveway.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 19, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 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.

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CEB2018381-FEASTER MARVIN

Posted

Complaint No. 20171219033

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s).
Renovation and/or remodel of mobile home. Roof re-done without proper permits, and/or expired permits

Property Location: 141 Evergreen Ter, Deland 32724

Parcel No. 603812000670

Zoning: MH-5A

Code Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on Dec 22, 2017

The respondent was not present for the hearing.

Christopher Hooper, Code Compliance Officer, presented the case. We received a complaint on December 19, 2017, about a reroof in progress. Christopher said he went to the property and inspected and it looked like roof- work was being done. Christopher sent a notice of violation and it was signed and received by Martin Feaster.

Christopher received a call by Martin Feaster, who had just purchased the house and was doing hurricane repairs. Mr. Feaster came down and applied for a permit on January 8, 2018. Nothing was being done with the permit, so Christopher called Mr. Feaster on June 14, 2018. Mr. Feaster explained that his roofer had passed away.

On July 31, 2018, Building Inspector, Frank Godawa, was out in the field and saw additional work being done on the property. Christopher recreated a violation and mailed it out. The violation was posted on the property on August 9, 2018. The property was posted with the notice of hearing on September 11, 2018. No permits have been pulled for the interior work and the roof permit expired on October 10, 2018. Christopher said that he later discovered that it was an owner/builder permit.

Mr. Nelson stated that the roofer was probably unlicensed.

Staff recommends a finding of non-compliance, with a compliance date of November 7, 2018 and a hearing to impose fine scheduled for November 21, 2018.

The Chairman asked about the work in the pictures.

Christopher explained.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of November 7, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After

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

CEB2018386-NIEMI JACK H

Posted

Complaint No. 20180626031

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: 121 West Loop, Oak Hill 32759

Parcel No. 950600011050

Zoning: MH-5

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on June 26, 2018

The respondent was not present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case. Debbie explained that the violations began as a complaint from the fire inspector. The fire inspector provided staff with a contact in regard to the property; his name was Arnold Vann. Mr. Vann is the occupant, not the owner as Mr. Niemi is deceased.

In May of 2018, Debbie contacted Mr. Vann and he explained that Mr. Niemi had a daughter named Myrtle; he gave Debbie Myrtle's contact information. Myrtle explained to Debbie, that though she inherited the property, she didn't have the funds to hire a probate attorney. Myrtle explained that it would be better if Debbie spoke to her brother Bobby. Myrtle gave Debbie, Bobby's contact information. She attempted to contact Bobby, but he didn't return her call. Debbie said that she informed Myrtle of the violations on the property and left it at that.

The certified notices of violation were returned, so the notices were posted on site on June 25, 2018. The property taxes have not been paid since 2014 and probate has not been filed in Volusia County, for Jack Niemi. Debbie said yesterday she did speak to Bobby. Bobby said that there was a will and there was an executor, administrator and beneficiary.

Bobby gave Debbie the name of the law firm that he believed handled the will. When Debbie contacted them, they stated that they did not handle the filing of the estate. She said she didn't talk to the attorney, she said she just left a message. Debbie said the mobile home needs to be demolished. Staff is recommending an order of non-compliance and order of dismissal and referral to the CLCA.

On case CEB2018389 the little trailer, staff recommends a finding of non-compliance, with a compliance date of November 16, 2018 with a hearing to impose fine scheduled for November 21, 2018.

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Debbie discussed the estate and her pictures with the board.

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

CEB2018388-NIEMI JACK H

Posted

Complaint No. 20170503027

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

Property Location: 121 West Loop, Oak Hill 32759

Parcel No. 950600011050

Zoning: MH-5

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on June 26, 2018

THIS CASE WAS WITHDRAWN.

CEB2018389-NIEMI JACK H

Posted

Complaint No. 20170503028

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C) Boat and/or trailer improperly parked

Property Location: 121 West Loop, Oak Hill 32759

Parcel No. 950600011050

Zoning: MH-5

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on June 26, 2018

The respondent was not present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of November 16, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (C).** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018390-NIEMI JACK H

Posted

Complaint No. 20180626038

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: 121 West Loop, Oak Hill 32759

Parcel No. 950600011050

Zoning: MH-5

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on June 26, 2018

THIS CASE WAS WITHDRAWN.

CEB2018391-NIEMI JACK H

Posted

Complaint No. 20180626037

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: 121 West Loop, Oak Hill 32759

Parcel No. 950600011050

Zoning: MH-5

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on June 26, 2018

THIS CASE WAS WITHDRAWN.

CEB2018404-GOULDBOURN LEE E

Served

Complaint No. 20171109057

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

Property Location: 1115 W New York Av, Deland 32720

Parcel No. 700700000150

Zoning: R-4C

Code Compliance Officer - Christopher R. Hooper

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

THIS CASE WAS CONTINUED BY THE BOARD.

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CEB2018409-BLAKESLEE TIMOTHY E & ZOYA SOLOVYEVA

Served

Complaint No. 20170906019

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

Electrical/gas for a generator

Property Location: 1905 W Minnesota Av, Deland 32720

Parcel No. 793901000391

Zoning: A-3

Code Compliance Officer - Christopher R. Hooper

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

THIS CASE WAS CONTINUED.

IX. Requests for Discussion of Fines

CEB2017258-HOOKER ELIZABETH M

Served

Complaint No. 20170620053

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

Property Location: 10 Seabreeze Dr, Ormond Beach 32176

Parcel No. 324105000670

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*Final Order Imposing Fine Lien issued at the February 21, 2018 hearing:

Request for Continued Stay of Fine/Lien

The respondent was present for the hearing. She gave her name and address for the record.

Margaret Godfrey, Code Compliance Coordinator, presented the case. This case involving an unmaintained single-family residence was before the board, for request to stay the fine; it was stayed at \$7,350.00. The demolition permit was issued and an extension was granted, but it expired yesterday. Margaret said that she had been speaking with Mr. Ruebel via e-mail; he said it was a financial issue, but he should be able to get it rectified soon. She said that she was leaving the decision to resume the fine, stay the fine or keep it stayed, to the board.

Richard Ruebel, contractor, gave his name and address for the record. Mr. Ruebel explained that they have a bank commitment.

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The Chairman asked if this was to demolish and build a new house.

Mr. Ruebel said from the beginning, the house was always going to be torn down. He explained that there had been other contractors and other drawings. He said when he got involved they got another architect and more drawings. He said where we are right now is, because Volusia County has a lien on the property, the title company wants the homeowner to put double the maximum fine, which would be \$26,000.00, in an escrow account before they'll close the loan. He said we just found this out, so we decided to let you all know what the problems are. He said if we could get a dollar amount and pay it, then everything's done. He said that the title company contacted Ms. Godfrey and were not able to get a dollar amount that we could pay to get rid of the lien.

Mr. Ruebel said even if the bank closes tomorrow, we have to get a septic tank permit, which could take three or four weeks. He said we have to get a building permit from Volusia County; we already have the demolition permit. He said he thought that they would let him demo once he gets the septic permit. He said it would still be a month out, before we demolish this building.

Member Zahn said I don't think you can come in and pay a fine that hasn't come into compliance. He said once you get a permit to demo and then demolish, you're in compliance.

Margaret agreed.

Member Wild said since the fine has already been stayed, is there some kind of mechanism where they can pay a portion or pay the part up to the stay.

Charles Cino, Board Attorney, said they can come into compliance and they can ask for relief from the fine. He said we can reduce it at that point; they can't pay a partial amount of the fine and be absolved from that.

Russ Brown, Assistant County Attorney, said that he agreed with that. He said you could pay the whole fine because its been stayed and stopped.

Mr. Ruebel said its \$13,000.00, the max.

Mr. Brown said its \$7,350.00.

Member Zahn said the fine is stayed, that means it's stuck at \$7,350.00.

Mr. Brown said, so if the board continues the stay today, then the fine would be \$7,350.00.
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He said you would pay that. He asked Mr. Ruebel, what exactly he was asking for.

Mr. Ruebel said I think we're asking for the lien to go away, so we can close the loan. He said the title company won't close the loan, until the lien goes away.

Ms. Hooker said that the closing is scheduled for the 26th.

The Chairman said we can't do that until the violation is cured.

Mr. Cino said if he pays the fine, he pays the fine.

Mr. Ruebel said that would be easier than putting \$26,000.00 in escrow.

Mr. Cino said we could start the fine later down the road.

Mr. Brown said at the end of the day, I know they're trying to do the right thing. He said you could keep it the way it is, and continue to stay the fine and the fine amount is \$7,350.00, but you're not in compliance. The stay would continue and the fine is not accruing. Mr. Brown reiterated that the property would not be in compliance.

Mr. Cino said that when the property is in compliance, they could come in and \$7,350.00 is the final payment. We get rid of the stay and close the case.

Member Zahn suggested that you set aside twice the max fine, which is \$7,350.00, at this point. He said then you'd be looking at \$14,700.00; that goes into escrow. He said you get a demolition permit; it's in compliance, then you come in here and you ask for a reduction of the fine. He said document what you've gone through and then you deal with the bank. He said you can pay the fine, but it doesn't take away the lien.

Mr. Brown said it's probably not the bank, it's the title company. He said they're not willing to issue the loan without the title commitment.

Margaret said for the record, I have not spoken to the title company.

Mr. Nelson said what about the demo. He said you don't need the septic permit to get the demolition permit issued. If it's issued go ahead and demolish it.

Mr. Ruebel said I'm not positive of that.

Mr. Nelson said I am, because I just talked to the Building Official. He suggested that they not waste \$7,350.00; he said let's put that toward the demolition.

Margaret said that the demolition permit expired yesterday.

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Mr. Nelson said it's the lien that's the issue right now. He said it's not in compliance until it's demolished. He told Mr. Ruebel if he demolishes it, we can put it into compliance and then you can come in for a fine/lien reduction.

Mr. Ruebel said they've had a bank commitment since the 13th.

Member Wild said but the closing is the 26th.

Member Wright asked if they were in a position to put the \$14,700.00 up and then get it back later.

Mr. Ruebel said I think so, yes.

Mr. Brown said I think a good recommendation would be to change the cap amount today, so that would be the double amount to put into escrow. He said you could do that today and maybe that would help.

Mr. Ruebel asked if that gave them a release of lien on the property.

Mr. Brown said no that's the problem we're not going to be able to release the lien on the property, until there's a finding of compliance. He said that can't happen, until the demolition occurs. If the title is willing to be issued by the title company with the \$14,700.00 in escrow, and that's what I'm hearing from you; that they're willing to issue the commitment and that's in escrow. He said Ms. Hooker will get that money back, if she comes to the board. He explained that he didn't want to put words in the board's mouth, but they're very reasonable. He said it seems like you're moving in the right direction and they would probably be willing to reduce the fine to zero, as opposed to paying a fine of \$7,350.00, which doesn't even solve your problem today.

Member Wild talked about possibly putting in conditions, upon the closing.

The board discussed possible solutions, with Mr. Ruebel.

Based on the evidence and testimony provided, Member Zahn MOVED **to continue the stay on the fine/ lien and add language that says we will cap the lien at the current amount of \$7,350.00. The board further ordered that the stay is indefinite.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017302-DAJOMA-INC DHONDT JEREMY

Posted

Complaint No. 20160415034

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

Property Location: 2 Tropic Winds Dr, Port Orange 32128

Parcel No. 62260000032

Zoning: MH-4

Code Compliance Manager – Chris E Hutchison

Property owner was first notified of the violation on

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

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

*Final Order Imposing Fine Lien issued at the April 18, 2018 hearing:

Request for Continued Stay of Fine/Lien

The respondent was present for the hearing. The respondent gave his name and address for the record.

Chris Hutchison, Code Compliance Manager, presented the case. He said the only thing that he has to add, is that he drove by Tom Circle to see if any of those trailers had been taken down. Chris said that they had not been taken down.

Mr. D'hondt explained that his wife had attended the last hearing, in regard to this property. He said that no physical work had been done since then. He said it's been a very rainy summer and we've had equipment get stuck out there. He said that they decided to wait a few months for the property to dry out. He said they planned to continue work at the beginning of October.

Mr. D'hondt said the issue that they're having now, is that the storm hit. He said a guy that they scheduled to come out and help, had to go to the panhandle. Mr. D'hondt said that he received other quotes to remove the mobile homes, but they wanted \$3,000.00 per mobile home. He said that they're still 44 on the property and that would be a substantial amount. He said that he's trying to do it as smart and effectively as he can.

Mr. D'hondt said that he had a future land use meeting with Clay Ervin, Palmer Panton and Scott Ashley, to discuss what would be allowed on the property. He explained the future zoning and what he would be allowed to do with the board. He said that he went to Tomoka Villages and tried to get a meeting set up. He said they're the HOA out there and they preserve the lifestyle out there. He said he wanted to talk with them, to reduce possible conflict. He explained that he's trying to work with everyone in the area. He explained that he didn't want to subdivide the property; he wants to do something with it.

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The Chairman said that when Ms. D'hondt was at the last hearing, there were 6 or 7 mobile homes removed and I asked if they were near Tom Circle.

Mr. D'hondt said no sir. He said that the 8 that we took out were more strategic; they had exterior damage, the roof was damaged and things like that. He said that he was looking at the structural ones, more so than the ones that were aesthetically pleasing.

The Chairman asked about the mowing.

Mr. D'hondt said that he has actively been working on it.

The Chairman asked Mr. D'hondt what his request was.

Mr. D'hondt said that he was told to come back after three months, just to go over his progress. He said that he would like to continue the stay of the fine.

Member Wild commented on the hurricanes and asked the board if there was a problem, with giving Mr. D'hondt two or three more months.

Mr. Nelson said that he's keeping it mowed and he said that vermin was one of the biggest complaints, besides the dilapidated structures. He said that Mr. D'hondt can remove them for a third of what we could remove them for. He said that if the county were to take on this project, you're looking at ten years; a few a year, because that's all we're budgeted for. He said we're making a lot more progress with Mr. D'hondt, than we had been.

Mr. D'hondt said that he's able to do two or three a week, when he's able to use that guy, but he had to go to the panhandle last week for hurricane Michael. He explained that he's even thought of trading in his truck for an excavator to move this along.

Member Needham asked how long it would take to remove the mobile homes.

Mr. D'hondt explained his situation and said that he is making an effort. He said 12 months, realistically.

Member Zahn said 12 months; that's four a month.

Mr. D'hondt said that there is also a house on the property with issues. He said that he has been working on that as well.

The Chairman explained that Ms. D'hondt said at the July hearing that the eight mobile homes were near Tom Circle. The Chairman read the minutes from the July hearing.

Mr. D'hondt said there's four in that area and that his wife, might not have been familiar
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with where Tom's Circle is. He said that I marked the eight that had been demolished on a map and she gave it to you. He explained that they weren't neighboring Tom's Circle.

Member Wild asked if there was a problem with getting those out first.

Mr. D'hondt said there's not and explained his future plans.

Member Wild said that was the concern that we had; the neighbors that were near there.

The board looked at the map that Ms. D'hondt provided during the July hearing.

Mr. Cino and Mr. Brown explained what the agenda item was. Mr. Cino explained the reason for the fine.

Member Zahn reiterated that the mobile homes near Tom Circle, needed to be focused on.

Kevin Scheer gave his name and address for the record. He explained the conditions on the property and stated that they are deplorable. He said when he was there four months ago, the board said that fines would start. He said that there was work done at that point. Mr. Scheer said at the current rate, it's going to take four years. He said that is unreasonable. He said that people come into these hearings and tell you what you want to hear. He said in four months, Mr. D'hondt only worked there for a week. He said I think you should keep the fines going or even increase them, to give him some incentive. He explained that he didn't believe there was an incentive if you keep holding the fines. Mr. Scheer said I don't know if you can put more money in next year's budget.

Mr. Nelson said we have no control over next year's budget. He said that the fines that are levied here, do not go into our budget. He said we are budgeted a certain amount every year and we are going to run out this year, before we get into the end of October. He said you're looking at 12 years for the county to clean this up. He said if the board gets tough and Mr. D'hondt can't keep his head above water and he has to walk away, then instead of at the most four years, you're looking at 12 years. He said I know what you're living with I understand, but there are fiscal constraints.

Mr. Scheer said I appreciate that, but you're just kicking the can down the road.

Mr. Nelson said I think it's going better than I thought it was going to go. He said when he took over the property, its heading in the right direction; it was not going anywhere.

The Chairman said that there has been more progress in 4 months than there has been in 4 years.

Mr. D'hondt said that he would make an effort, to do the trailers near Mr. Scheer's
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residence.

Member Zahn said that they stay the fine, so that Mr. D'hondt has to come in for progress reports.

The Chairman explained that the more work that is being done on the property, the less likely there will be unwanted guests on the premises.

Member Needham stepped out and did not vote on the motion.

Based on the evidence and testimony provided, Member Zahn MOVED **to continue the stay on the fine/ lien until December 20, 2018.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

- 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 12:43 p.m.

Respectfully submitted,

Meghan Lindsey
Code Enforcement Board Clerk

October 17, 2018

CERTIFICATE

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

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

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

**Meghan Lindsey
Code Board Clerk**

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