



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

October 3, 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**

MEMBERS ABSENT

Gerard Smith

STAFF PRESENT

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

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APPROVAL OF MINUTES

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Member Wild moved to APPROVE the August 15, 2018 & the September 5, 2018 Code Enforcement Board minutes. Member Needham SECONDED the motion that CARRIED unanimously by voice vote.

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UNFINISHED BUSINESS

October 3, 2018

CEB2007456-LAFFEY CHERYLYNN ET ALS

Served

Complaint No. 20070508028

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

The reported violation is: Construction without the required permit (s) and/or inspection approval (s).

Property Location: 1986 Jungle Rd, New Smyrna Beach 32168

Parcel No. 734303000060 Zoning: R-4A

Zoning Compliance Officer - Alicia Dease

Property owner was first notified of the violation on NOV 14, 2007

*Order of Non Compliance on February 20, 2008

*1st Amended Order on May 21, 2008

*2nd Amended Order of Non-Compliance issued at the May 21, 2008 hearing:

*Final Order Imposing Fine Lien issued at the June 18, 2008 hearing:

* A Report and Affidavit of Compliance was submitted with a compliance date of May 10, 2010

Order of Compliance

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

CEB2018061-HARRIS MICHELLE L

Served

Complaint No. 20171222023

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: 1545 Granada Av, Daytona Beach 32117

Parcel No. 424219030110 Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

*Final Order Imposing Fine Lien issued at the August 15, 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 Needham **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

October 3, 2018

CEB2018095-RABITAILLE REGINA & BRIAN

Served

Complaint No. 20180116040

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C) Trailer improperly parked

Property Location: 27 Seaside Dr, Ormond Beach 32176

Parcel No. 323405000130

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jan 19, 2018

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

*1st Amended Order of Non-Compliance issued at the August 15, 2018 hearing:

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

Order of Compliance

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

CEB2018216-MURRAY KEVIN A

Posted

Complaint No. 20180215009

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. (enclosed trailer)

Property Location: 1812 Sunny Palm Dr, Ormond Beach 32174

Parcel No. 422804000730

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Mar 19, 2018

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

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

Order of Compliance

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

October 3, 2018

CEB2018276-HENTZ CRANE & SUSAN

Served

Complaint No. 20180109034

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). (Addition/front porch over hang)

Property Location: 19 Seabreeze Dr, Ormond Beach 32176

Parcel No. 324105000100

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Mar 05, 2018

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

*A Report and Affidavit of Compliance was submitted with a compliance date of September 12, 2018:

Order of Compliance

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

CEB2018285-POLLOCK STANLEY JACKSON & GANNETT EDNA ROLLENE

Served

Complaint No. 20180510012

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. 8ft fence in the side yard and the existing fencing has never been permitte

Property Location: 49 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000570

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on May 12, 2018

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

*A Report and Affidavit of Compliance was submitted with a compliance date of August 29, 2018:

Order of Compliance

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

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CEB2018286-POLLOCK STANLEY JACKSON & GANNETT EDNA ROLLENE

Served

Complaint No. 20180510017

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. 8 ft. fence type barrie

Property Location: 49 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000570 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jun 14, 2018

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

*A Report and Affidavit of Compliance was submitted with a compliance date of August 29, 2018:

Order of Compliance

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

CEB2018318-LAROSE BRADLEY J

Sheriff Served

Complaint No. 20180522011

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: 200 Paradise Dr, Deland 32720

Parcel No. 791503000360 Zoning: R-4

Zoning Compliance Officer - Christopher R. Hooper

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of August 23, 2018:

Order of Compliance

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

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CEB2017221-MORRISON MICHAEL J

Served

Complaint No. 20170724005

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Converting a shipping container to an accessory structure and using it for storage

Property Location: 331 N Tymber Creek Rd, Ormond Beach 32174

Parcel No. 412404000530

Zoning: MH-4,RC

Zoning Compliance Officer - Margaret Godfrey

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

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

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

*2nd Amended Order of Non-Compliance issued at the September 5, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Margaret said that she went out to the site shortly after the September 5th hearing and the RV was still plugged in. She said that the shipping container is still there. Staff is recommending a fine in the amount of \$25.00 per day, per case, to commence on November 22, 2018; not to exceed \$3,000.00 per 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 , per case not to exceed \$3,000.00 per case; to begin on October 18, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017222-MORRISON MICHAEL J

Served

Complaint No. 20170724006

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

Property Location: 331 N Tymber Creek Rd, Ormond Beach 32174

Parcel No. 412404000530

Zoning: MH-4,RC

Zoning Compliance Officer - Margaret Godfrey

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

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

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

*2nd Amended Order of Non-Compliance issued at the September 5, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

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Margaret Godfrey, 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 , per case not to exceed \$3,000.00 per case; to begin on October 18, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017339-US BANK TRUST NA TR

Served

Complaint No. 20171002024

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: 359 Deer Moss Tr, Deland 32724

Parcel No. 603818040280

Zoning: PUDA

Zoning Compliance Officer - Christopher R. Hooper

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. Christopher said that that the site and conditions remain unchanged. He said that there are still tarps on the roof and holes in it as well. He said nothing has been done or accomplished and he still cannot get a hold of the property owner. Staff is recommending a fine of \$50.00 per day, to commence on November 22, 2018; not to exceed \$20,000.00.

The Chairman said bank-owned, tarped and there's no property maintenance.

Christopher said that when he e-mailed the property maintenance agency, they never responded.

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 \$20,000.00 to begin on November 22, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017352-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016008

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

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the August 15, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. A permit was applied for and still awaits additional information. It's a non-conforming lot and it still needs a non-conforming lot letter. The permit application is valid until January 6, 2019. The site and conditions remain unchanged.

Mr. Crabtree explained what Ameritech was doing to remedy the violation. He said they are waiting for the non-conforming lot letter.

The Chairman advised Mr. Crabtree to check with the permit center.

Mr. Nelson suggested that an amended order might be best.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Fourth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the December 19, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-277 (C).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017353-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016009

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

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the August 15, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Fourth 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 72 Article II Division 8 Section 72-282.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017354-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016007

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

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the August 15, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue a Fourth 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 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017395-HOWARD GIDGET PELLICER VIRGINIA & VEEN ELIZABETH
Served

Complaint No. 20170629039

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

Property Location: 1213 David Dr, Daytona Beach 32117

Parcel No. 523703060190

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the July 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. They did have a permit in review but it died due to lack of activity. The site and conditions remain unchanged. There have been no more permit applications to date. Staff is recommending a fine in the amount of \$50.00 per day, to commence on November 22, 2018; not to exceed \$4,300.00.

Member Needham asked if there had been any further communication with the property owner.

Margaret said that she had been to the property to hand-deliver the orders. She said that the respondents had come to the original hearing.

Member Needham asked if the respondent was living in the structure.

Margaret said she was.

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 \$4,300.00 to begin on November 22, 2018.** 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 109.3 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

Zoning Compliance Officer - 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:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. The permits are still expired and there have been no other permit applications or extensions to date. Staff is recommending a fine in the amount of \$50.00 per day, to commence on November 22, 2018; not to exceed \$23,000.00.

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

Margaret said no but she had spoken to Mr. Murphy. She said that he was at the last hearing and she'd be interested in what he has to say.

Kenneth Murphy gave his name and address for the record. Mr. Murphy said that Ms. Ziegler had been in touch with Linda Beebe in regard to a permit extension. He said when they tried to schedule an inspection that the permits were expired. He said that he tried to reopen them with a POA, but was not allowed to. Mr. Murphy said he told Ms. Ziegler and she called Ms. Beebe.

Michael Nelson, Building and Zoning Director, explained that a POA does not work for an Owner/Builder permit. He explained that the permit should not have been reopened last time. He said that is why the Building Official is reviewing the applications, at this time.

Mr. Nelson asked if Ms. Ziegler was here.

Mr. Murphy said that she is in Ohio.

Mr. Nelson said if you're in Ohio you can't view the work that's being done. He said she'd have to hire a contractor, or we can't reopen this permit.

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Mr. Murphy said this permit was done three years ago and it shouldn't have been sold with an open status.

Mr. Nelson asked when Ms. Ziegler would be back.

Mr. Murphy explained that she just had surgery and that she will be recovering for quite a while.

Mr. Nelson asked if the home is occupied.

Mr. Murphy said no.

Mr. Nelson said that they would do what they can to help her, but legally they can't do anything until she's back in town.

Margaret explained to the Chairman that the permits were pulled originally, but they expired.

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 19, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018195-HENDERSON LINDA

Posted

Complaint No. 20180327056

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: 1215 Deneece Ter, Daytona Beach 32117

Parcel No. 523705000570

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on March 27, 2018

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

*1st Amended Order of Non-Compliance issued at the September 5, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. There is a fence application that is in zoning review; it is valid until December 15, 2018. There has been no response to the request for additional information and all other site and conditions remain unchanged. Staff is recommending a fine in the amount of \$25.00 per day, per case, to commence on

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December 20, 2018; not to exceed \$2,000.00 per case.

The respondent gave her name and address for the record. Ms. Henderson said to her understanding, the only violation was the fence without permit. She said when she came to court last time, they told her everything else was taken care of and all she had left was the fence without permit.

The Chairman asked when the last time the property was inspected.

Margaret said August 21, 2018.

The Chairman asked Ms. Henderson if she is aware that there are four violations on the property.

Ms. Henderson said yes. She said that the last time that she was in, she brought in pictures that showed exactly what the property looked like. She said it wasn't like Margaret's pictures. She said that one violation was for cars without tags, when all of the cars had tags. Ms. Henderson said that she had proof of her tags. Ms. Henderson said that she thought the improperly maintained structure violation was for the fence. She said that her roof is bad, but she's on a fixed income and that she's trying to get help with the roof. She said that the other stuff is not there. She said that everyone else has a fence like hers and when she showed pictures of their fences, the permit center said that they probably had permits. Ms. Henderson said if they have permits, why can't get a permit?

Margaret said it has to do with setbacks, height and things like that.

Ms. Henderson said that they're 6 feet tall and you're saying they can't be.

Margaret said it depends on where.

Ms. Henderson explained why and how she replaced the fence to the board. She explained that her fence is the same size as the fence on the property behind her.

Margaret explained to Ms. Henderson, why zoning needed more information.

Ms. Henderson explained where her fence is on the property, in relation to her neighbor's fence. She said the county put something on her house, whenever FEMA was around, and she didn't get any help. She said that she has no insurance because of her roof. She said she is trying to get help because she doesn't have the money.

Member Zahn asked what the accessory structures were.

Margaret said there were several in the backyard.
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Member Needham asked Ms. Henderson if she lived in the home.

Ms. Henderson said yes.

Member Zahn went through each violation and explained what Ms. Henderson needed to do, to remedy the violations.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day , per case not to exceed \$2,000.00 per case; to begin on February 22, 2019.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017398-HENDERSON LINDA

Posted

Complaint No. 20171025023

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

Property Location: 1215 Denece Ter, Daytona Beach 32117

Parcel No. 523705000570

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the September 5, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day , per case not to exceed \$2,000.00 per case; to begin on February 22, 2019.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017399-HENDERSON LINDA

Posted

Complaint No. 20171025024

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: 1215 Deneece Ter, Daytona Beach 32117

Parcel No. 523705000570

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the September 5, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day , per case not to exceed \$2,000.00 per case; to begin on February 22, 2019.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017400-HENDERSON LINDA

Posted

Complaint No. 20171204028

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

Property Location: 1215 Deneece Ter, Daytona Beach 32117

Parcel No. 523705000570

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the September 5, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day , per case not to exceed \$2,000.00 per case; to begin on February 22, 2019.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

October 3, 2018

CEB2018080-JONES JAMES C

Served

Complaint No. 20171026023

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: 678 Orange Camp Rd, Deland 32724

Parcel No. 702801300010

Zoning: R-3

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Feb 20, 2018

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. He said that Mr. Jones is still trying to work on his property, but he has a long way to go. Michael said that Mr. Jones is having health issues. He said that he was having an operation on his foot. Staff is recommending a second amended order of non-compliance, with a hearing to impose fine scheduled for January 16, 2019.

Michael showed an ex-ray of Mr. Jones' foot.

Russ Brown, Assistant County Attorney, asked Michael if Mr. Jones had sent him the ex-ray. He asked if he gave Michael permission.

Michael said that Mr. Jones sent him the ex-ray and he wanted it included in Michael's presentation.

Mr. Brown asked again, if Mr. Jones gave permission.

Michael said yes he did.

Mr. Brown said to enclose those ex-rays.

Michael said yes, he wanted them in the presentation today.

Based on the evidence and testimony provided, Member Needham **MOVED to issue a Second Order of Non-Compliance with Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018084-JONES JAMES C

Served

Complaint No. 20171026020

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

Property Location: 678 Orange Camp Rd, Deland 32724

Parcel No. 702801300010 Zoning: R-3

Zoning Compliance Officer - Michael Mazzola

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Needham **MOVED to issue a Second Order of Non-Compliance with Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018087-JONES JAMES C

Served

Complaint No. 20171026017

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: 678 Orange Camp Rd, Deland 32724

Parcel No. 702801300010 Zoning: R-3

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Feb 20, 2018

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

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 January 16, 2019 hearing for Violating Volusia County Code of**
October 3, 2018

Ordinances, Chapter 58 Article I Section 58-3. After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018096-DOUGHERTY MARE-CATHERINE

Served

Complaint No. 20180122027

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

Property Location: 1708 Hope Dr, Ormond Beach 32174

Parcel No. 423317021230

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Margaret said that the front yard has been mowed but the backyard hasn't been done. She said the junk is still in the driveway. Staff is recommending a fine in the amount of \$25.00 per day, per case, to commence December 20, 2018; not to exceed \$5,500.00.

Ms. Dougherty asked for Margaret to repeat staff's recommendation, as she didn't hear it.

The Chairman asked Margaret to talk about the last time she went out to the property.

Margaret said she was at the property a couple weeks ago, there was still a lot of lot maintenance that needed to be taken care of. She said that the junk is still on the driveway. Margaret said that Ms. Dougherty kind of mows the front and side yard, but doesn't mow the backyard is overgrown.

Ms. Dougherty apologized for the state of her lawn and explained that she pays her 15 year-old son to mow the lawn. She explained that she can't get around the yard in her chair. She said that she thought that she was paying her son to mow all of it, but she couldn't see that he didn't do the backyard. She said that her son and a friend pushed a number of items out for trash pick-up; she acknowledged that there were still some items in the driveway that need to be removed. She said that she is doing the best she can, as she is blind and has multiple handicaps.

Member Needham asked Margaret if there is anything else that Ms. Dougherty could do.

Margaret said that she's just getting multiple complaints from the neighbors. She said when she goes out there to answer a complaint from the neighbors, the items are still there.

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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 , per case not to exceed \$5,500.00 per case; to begin on December 20, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018242-DOUGHERTY MARE-CATHERINE

Served

Complaint No. 20180425033

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: 1708 Hope Dr, Ormond Beach 32174

Parcel No. 423317021230 Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, 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 , per case not to exceed \$5,500.00 per case; to begin on December 20, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018121-GARCIA IRENE

Served

Complaint No. 20170113005

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). (detached carport/open wood structure, mobile home attachments)

Property Location: 301 Lake Mamie Rd, Deland 32724

Parcel No. 603817040250 Zoning: MH-5

Code Administration Manager – Chris Hutchison

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

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Christopher Hooper, Compliance Officer, presented the case. Christopher said since the last time the case was before the board, there were some posts in the ground that were supposed to be removed; they did do that, but there still is a 24' by 10' foot deck in place. He said there was a permit for the deck, but it expired a long while back. It is still expired and no other work has been done. Staff recommends a fine of \$50.00 per day, to commence on November 22, 2018; not to exceed \$6,500.00.

After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, not to exceed \$6,500.00 to begin on November 22, 2018.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018144-ORMOND BREEZE LLC TR

Posted

Complaint No. 20180308042

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: 1318 Avenue D , Ormond Beach 32174

Parcel No. 422901080130

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on March 8, 2018

*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, Compliance Officer, presented the case. The site and conditions remain unchanged, however the name on the property has been changed; even though it's the same person that owns these two LLCs. Staff recommends a first amended order of non-compliance with a hearing to impose fine/lien scheduled for November 21, 2018; so that the property can be posted for proper notification.

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

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CEB2018170-MAIHLE RONALD KIRT & THERESA

Posted

Complaint No. 20180213054

Violation of FLORIDA BUILDING CODE SECTIONS 105.1 AND 109.3. ALL CONSTRUCTION REQUIRES BUILDING PERMIT (S) AND INSPECTION APPROVAL(S).

The aforementioned violation would require a building permit and/or inspection approvals
Property Location: 1718 Evergreen St, Ormond Beach 32174

Parcel No. 424235020061

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

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

Margaret Godfrey, Compliance Officer, presented the case. Margaret said that there is a fence that was put up without permits. Margaret said there have been permits with the accessory structures, but when she went out to the property there was a tent structure put up. She said that the stuff comes and goes. Staff recommends a fine in the amount of \$25.00 per day, per case, to commence on November 22, 2018; not to exceed \$2,000.00 per case.

Mr. Maihle said that the last time he was here, he needed the permit for the fence. He said he put the application in for that; he was told there wouldn't be a problem with that, but then he was told that there was a problem. He was told that he couldn't act as an owner/builder, until there is a permit for the home. Mr. Maihle explained that his main goal is to put a home on the property. He explained that he didn't know that it takes so long to make a modular home. He said that he has no problem getting permits for that. He said that he wants to modify the fence, so that it looks better. Mr. Maihle asked the board for more time.

Mr. Nelson explained that it's a non-structural fence permit. He said that there was no reason that Mr. Maihle couldn't pull the permit as an owner/contractor. He said that's the standard answer; I'm not sure what happened. He said you can pull this permit.

The Chairman asked about the other case involving the RV, boat, trailer without current tags.

Mr. Maihle said those are gone.

Margaret said there was one RV left; she asked if it is gone.

Mr. Maihle said the travel trailer has been tagged; that one is there. He said the other boat

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is gone.

Margaret said it's an accessory without principal structure that's the problem, it can't be there. She said it can't be there until you have a home there.

Mr. Nelson said that it might not be an issue, if there is a permit and the house is under construction. He explained that the RV can't be parked without a principal structure. He specified that he could not live in the RV, but it could be parked there.

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

CEB2018171- MAIHLE RONALD KIRT & THERESA

Posted

Complaint No. 20180213057

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

Property Location: 1718 Evergreen St, Ormond Beach 32174

Parcel No. 424235020061

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-277 (C).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018214-ECHAVARRIA ARGIRO

Served

Complaint No. 20180308007

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

Property Location: 1306 Crestview Av, Daytona Beach 32117

Parcel No. 520201000840

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. The site and conditions remain unchanged; there have been no permit applications. Staff is recommending a fine in the amount of \$50.00 per day, to commence on November 22, 2018; not to exceed \$6,200.00.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, not to exceed \$6,200.00 to begin on November 22, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018217-MURRAY KEVIN A

Posted

Complaint No. 20171204032

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

Property Location: 1812 Sunny Palm Dr, Ormond Beach 32174

Parcel No. 422804000730

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Margaret showed the board her pictures and explained that the shed is now falling in on itself. Staff recommends an

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order of dismissal and to refer the shed to the CLCA. She said that the motorcycle is still there. So staff recommends \$50.00 per day, to commence on November 22, 2018; not to exceed \$4,000.00. She said that the trailer is gone.

The Chairman asked if there was a principal structure.

Margaret showed them the structure in the pictures.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Dismissal and refer the case to the CLCA board** after Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018218-MURRAY KEVIN A

Posted

Complaint No. 20180411006

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: 1812 Sunny Palm Dr, Ormond Beach 32174

Parcel No. 422804000730

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, not to exceed \$4,000.00 to begin on November 22, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018245-HILLER CHARLES E & KELLY A

Posted

Complaint No. 20180312014

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

Property Location: 2031 Griffin St, Ormond Beach 32174

Parcel No. 412402000650

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on April 12, 2018

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On August 30th, Mr. Hiller called Margaret and she explained to him, what he needed to do to bring the property into compliance. She said that she encouraged him to come to today's hearing and tell his side of the story. Margaret said that the yard is so overgrown that you can't see most of the junk, but you can see the top of the truck. The site and conditions remain unchanged. Staff is recommending a fine in the amount of \$25.00 per day, per case; with a cap of \$2,000.00 per case; to commence on November 22, 2018.

Mr. Hiller said that last week he pulled a demolition permit. He said that they plan on demolishing it in the next month. He said that one of the vehicles has been tagged and is insured. He said that he's still working on getting the other vehicle out.

The Chairman said so instead of clearing the junkyard, you're going to clear the property.

Mr. Hiller said that they're going to put a new mobile home on it.

Mrs. Hiller explained that they plan on towing the second vehicle off the property, but they just don't have the vehicle to do it. She also explained that it was a matter of money as well. She said that they want to take the second vehicle to the junkyard. She explained that the property will be cleared and they want to put a mobile home on it.

The respondent gave his name and address for the record.

Member Zahn advised that the meeting is on the 19th and if you can't come into compliance talk with Margaret.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$2,000.00 per case; to begin on December 20, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018246-HILLER CHARLES E & KELLY A

Posted

Complaint No. 20180312012

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: 2031 Griffin St, Ormond Beach 32174

Parcel No. 412402000650

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on April 12, 2018

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$2,000.00 per case; to begin on December 20, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018264-CONFIDENTIAL DATA F.S. 119.07

Served

Complaint No. 20140905009

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). (Re-roof, new windows, may not be a complete list.)

Property Location: 160 Roberta Rd, Ormond Beach 32176

Parcel No. 323401000570

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. There have been no permit applications to date and the site and conditions remain unchanged. Staff is recommending a fine in the amount of \$50.00 per day, with a cap of \$11,800.00; to commence on November 22, 2018.

Mr. Atack said that it's true that there have been no permit applications, but he has done some work toward resolving this issue.

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Margaret said I've been in contact with him, but he still needs after the fact permits.

The Chairman asked if he bought the property.

Mr. Atack said he used a real estate agent and did all the things that you should do. He then learned after he purchased the property that a roof had been put on, without a permit. He said that the windows apparently weren't done properly and there's a deck in the backyard. He said that he's done a lot of things over the years that didn't go anywhere.

Mr. Atack explained that he cannot get a letter from an engineer, as Kerry Leuzinger, Chief Building Official, said that will not solve the issue. He said essentially, He has to take off a tile roof and downgrade to a lesser roof, because there's no other way to find out if this roof is up to the 2014 permit requirements. He said that he has a notice of commencement that was notarized the day before.

Mr. Atack stated that he has sent his e-mail chain in regard to the windows. He said that he's going to have his in laws disassemble the deck in the backyard. He said that it's going to cost \$17,000.00 to correct all this and he has to take off a perfectly good, non-leaking roof, to put on a lesser quality roof.

Member Zahn explained the process for opening up a section of the roof and who would have to be present to do so. He said this is done, to make sure that the roof is up to code.

Kerry Leuzinger, Chief Building Official, explained that there was a permit application for a re-roof in 2014. He said that permit was cancelled by the contractor and the roof, was re-roofed at some point after that. He explained because there have been changes to the code, there are requirements for the roof-decking and the under layment. Mr. Leuzinger said at this point, I have advised Mr. Atack that the roof needs to come off and that an affidavit will not suffice.

The Chairman asked Mr. Leuzinger if the roof could be cracked open or peeled back.

Mr. Leuzinger said that he's not comfortable with that. He said that the roof needs to come off, the proper inspections need to be done, a permit needs to be applied for and it needs to be re-roofed.

Mr. Atack and the board discussed the type of tile that is on the roof.

Mr. Leuzinger further explained why a portion of the roof could not be peeled back, he also stated that they didn't know for sure who put the roof on, but had an idea.

Mr. Atack explained that he tried to track down the person that put on the roof, but couldn't
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get ahold of them. He said that he also tried to get a lawsuit going. He said apparently, they weren't licensed or we would have been able to get ahold of them. He said that he's just going to have the roof taken off and then have it re-roofed, which is essentially what he will also have to do with the windows. He said he's having a hard time with the windows, because no one wants to do after the fact permits; roofers don't want to do it and window people don't want to do it. He said they don't want to vouch for someone else's work.

Member Zahn said if they're not done to code and someone comes out, you're not going to get an affidavit anyway. He said you're better off to do what you're thinking and install the hurricane windows. He explained that roofs are a case by case scenario.

Mr. Nelson said that 90% of unpermitted roofs are not nailed properly and they end up coming off anyway.

Member Zahn said that the nailing pattern has changed and it often hasn't been done properly.

Mr. Nelson said it's required to be re-nailed. He said we'll go out and fail them when they have a permit and they've called for the inspection. He said that he couldn't remember the last time that they inspected an unpermitted roof that was nailed properly.

Mr. Leuzinger said that he did speak with a roofing contractor yesterday, and he has been working with Mr. Attack and they are in the process of getting a permit application put together, to submit soon.

Mr. Attack reiterated the work that he has done to bring the property into compliance.

The board asked if the deck is permissible.

Margaret said it might be.

Member Zahn explained what would need to be done to apply for an after the fact permit for the deck.

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

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CEB2018266-COETZEE JACQUELINE TR

Served

Complaint No. 20180530033

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: 22 Surfside Dr, Ormond Beach 32176

Parcel No. 322111000480

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jun 09, 2018

*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, Compliance Officer, presented the case. Margaret said that she spoke with Mr. Coetzee, as he came into the office. She said that they are in South Africa right now and that he flew in to get some things straightened out. She said that the trust is based in California and that they've had some issues getting the paperwork here to do something.

Margaret said that they've been in touch with Constance Bentley, the Permit Manager. She said that she's received an e-mail and phone call from Mrs. Coetzee. Margaret said that the respondents will not be back in the country until January. They stated that they will contact Margaret when they get back to the states. Staff is recommending a first amended order of non-compliance, with a hearing to impose fine scheduled for January 16, 2019. She said that the property is vacant.

Margaret explained that the respondents bought the property sight-unseen. She said they did not create the violations.

Based on the evidence and testimony provided, Member Needham **MOVED to issue a First Amended Order of Non-Compliance and a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 9 Section 72-341 (B).** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018267- COETZEE JACQUELINE TR

Served

Complaint No. 20180530034

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, new doors, fireplace surround, sliding glass door, bathroom and kitchen remodel, pergola, etc.)

Property Location: 22 Surfside Dr, Ormond Beach 32176

Parcel No. 322111000480 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jun 09, 2018

*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, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 16, 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.

CEB2018272-COURT OF PALMS ON THE BEACH

Posted

Complaint No. 20170525003

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). (windows)

Property Location: 2790 Ocean Shore Blvd, Suite 8-N, Ormond Beach 32176

Parcel No. 322116000080 Zoning: R-6,RC

Zoning Compliance Officer - Margaret Godfrey

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

*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, Compliance Officer, presented the case. An after the fact permit was applied for on August 19, 2018. The application is in department review. There was a request for additional information in regard to sea turtle, which was received. The permit application is valid until March 30, 2019.

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Margaret said that she has been speaking to Norma Quintero, who is the owner of the property. Margaret said that Ms. Quintero is very good at communicating. Margaret said she recommended November 21st, but whatever the board desires is fine.

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

CEB2018284-KOWALCZYK SABINA

Posted

Complaint No. 20180611002

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: 135 Longwood Dr, Ormond Beach 32176

Parcel No. 420303001130

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on June 11, 2018

*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, Compliance Officer, presented the case. The site and conditions remain unchanged. Staff is recommending an order of dismissal and the property will be referred to the county contractor. Margaret said that it's vacant and Ms. Kowalczyk hasn't been on the property in years.

The Chairman asked if the county will lien the property.

Mr. Nelson said yes, for the hard costs. He said just to clarify, we ran out of lot maintenance money; our only recourse was to bring these before the board and hope that the people would take care of them. He said we're in a new fiscal year and we can start doing the maintenance again. He said while we still have the money, all these outstanding ones, we will be taking care of them. He said all hard costs will result in a lien on the property.

Member Wild asked where the money goes, when the liens are paid.

Mr. Nelson explained that it goes into the MSD. He said they budget us so much money a year and then it goes back into the MSD.

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Based on the evidence and testimony provided, Member Needham MOVED to issue an Order of of Dismissal. After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018288-HANSON AMY C & DIBBLE STEVEN D & DEYETTE EARL E III
Posted

Complaint No. 20180425005

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

Property Location: S Division Av, Orange City 32763

Parcel No. 800904130400 Zoning: R-4

Zoning Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Staff recommends a fine in the amount of \$50.00 per day, with a cap of \$1,150.00; commencing on November 22, 2018.

The Chairman asked if the Michael took his first picture of the property in July.

Michael said yes.

The Chairman asked if the conditions remain the same.

Michael showed the board a picture from September 20, 2018.

After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, not to exceed \$1,150.00 to begin on November 22, 2018.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018328-DUNAWAY DEANNA G

Posted

Complaint No. 20180423017

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: 293 Adams Rd, Edgewater 32141

Parcel No. 841202020210 Zoning: MH-5

Zoning Compliance Officer - Debbie Zechnowitz

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Debbie Zechnowitz, Compliance Officer, presented the case. A demolition permit was applied for on August 29th and was issued. The permit expires November 20, 2018. Staff is recommending a first amended order of non-compliance, with a hearing to impose fine scheduled on November 21, 2018.

Based on the evidence and testimony provided, Member Wright **MOVED to issue a First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2018 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.

IX. Requests for Discussion of Fines

CEB2007456-LAFFEY CHERYLYNN ET ALS

Served

Complaint No. 20070508028

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

The reported violation is: Construction without the required permit (s) and/or inspection approval (s).

Property Location: 1986 Jungle Rd, New Smyrna Beach 32168

Parcel No. 734303000060 Zoning: R-4A

Zoning Compliance Officer - Alicia Dease

Property owner was first notified of the violation on NOV 14, 2007

*Order of Non Compliance on February 20, 2008

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*1st Amended Order on May 21, 2008

*2nd Amended Order of Non-Compliance issued at the May 21, 2008 hearing:

*Final Order Imposing Fine Lien issued at the June 18, 2008 hearing:

Request for Partial Release of the Fine/Lien for 314 Magnolia St. New Smyrna Beach

The Chairman asked if staff had anything to present on this case.

Russ Brown, Assistant County Attorney, said this is a request for a partial lien release of a property that has a potential buyer that I believe Mr. Woods and Cobb-Cole represent. He said this is not the property that had the original code enforcement violations, which the board just issued a technical compliance letter, backdated to 2010; the property was annexed into New Smyrna Beach. He said so, this is not a request to reduce the lien; this is a request of a partial lien release, because this property is attached in accordance with the state statute.

Member Wild asked if the property is in compliance now.

Mr. Brown said that the property is in technical compliance now, because the county lost jurisdiction.

Member Wild said but it's out of our hands effectively, it is in compliance as far as we're concerned.

Mr. Brown said yes sir.

Charles Cino, Board Attorney, said it doesn't change the fine. The fine sits there.

Mr. Brown said correct.

Member Zahn said so, it's been the policy of the county to attach all properties, regardless of the property in violation.

Mr. Brown explained the state law that allows the county to attach a lien to all of the property owned by the same person, in the same county.

Michael Woods gave his name and address for the record. He said that we have a potential purchaser for this property that is located in Daytona Beach. He said that it is actually listed on the agenda as: 314 Magnolia St. New Smyrna Beach, but its Daytona Beach. He said that the New Smyrna Beach address is the property that was originally subject to this fine. He said that its interesting instances where the provision to compel compliance, does attach to all the properties and yet you now have the properties that are involved; neither of which are in the county. He said what's prompting the request is this was an older structure in downtown Daytona that had a fire about two or three

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months ago.

Mr. Woods stated that the City has come in and has demolished that home. He said they are anticipating covering the cost for that, related to the property's specific impacts that the City of Daytona bore. He said they're just trying to get release from the other issue created by the New Smyrna Beach property. He said that they want to come in and take ownership of that and clear it out. He said it's one of those issues where the policy in general for the county, is to encourage compliance and this may cause a roadblock in getting this other property in the City of Daytona Beach compliant.

Member Needham asked if they could release it subject to sale and if the sale doesn't go through, it remains attached.

Mr. Brown said yes, I guess we could do a condition.

Mr. Cino said they could do a release of lien at closing.

Member Needham said then we would satisfy both sides; I would think.

Member Wild said they're in compliance and although they've requested the partial release of the fine/lien, I'm not sure why they haven't asked for a reduction of the fine/lien.

Mr. Brown said because they represent the buyer.

Mr. Woods said that the dollar amount will still be in place and the owner, may come back at some point to deal with it. He said this is to kind of get it out of the way.

Mr. Brown said and just to confirm, they have permission on behalf of the seller to be here today, to do this.

Mr. Woods said that the only issue that he would have, would be the condition. He said if this doesn't go through and this comes back on, you'll have clean title, for the closer. He said the main reason we're doing this today, is to get this lien off the title for this Daytona Beach property.

Member Zahn said why complicate it; if it doesn't close we have other avenues.

Mr. Brown said we still have the other property attached. He said I believe the other property is homesteaded and we'd have to bring in a nuisance action in to enforce any of that. He said I think it complicates matters, if we make a contingent. He said they're trying to clean up the other property.

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Based on the evidence and testimony provided, Member Zahn MOVED to issue the requested partial-release of lien for 314 Magnolia St. Daytona Beach. 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

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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

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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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