

Volusia County Code Enforcement Board



Members

Chad Lingenfelter, Chair
Jami Gallegos
Pete Zahn
Rick Dwyer

Andrew Hall, Vice-Chair
Donald Needham
Clay Meek, Board Attorney

November 15, 2023
Agenda for Hearing at 9:00 a.m.

Thomas C. Kelly Administration Center
County Council Chambers - Second Floor
123 West Indiana Avenue, DeLand, Florida

NOTICE OF RECORD REQUIRED FOR APPEALS

Pursuant to Section 286.0105, Florida Statutes, you are hereby notified and if you decide to appeal any decision made by a board, agency or commission of the County of Volusia, including the Code Enforcement Board, with respect to any matter considered at this meeting, you will need a record of the proceedings for your appeal, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Accordingly, you must provide a reliable method for recording or transcribing the proceedings.

REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the County's ADA Title II Coordinator at (386) 248-1760, as soon as possible but no later than 2 business days before the scheduled event or meeting, or immediately upon receiving this notification if the time before the appearance is less than 2 days; if you are hearing or voice impaired, call 711.

ADDITIONAL INFORMATION REGARDING THE AMERICANS WITH DISABILITIES ACT IS LOCATED ON THE FINAL PAGE OF THIS AGENDA.

I. Roll Call

II. Agenda Changes

III. Disclosure of Ex Parte Communications

Members of the Volusia County Code Enforcement Board are asked to please disclose, for the record, the substance of any ex parte communications that have occurred before or during the public hearing at which a vote is to be taken on any quasi-judicial matters.

IV. Approval of Minutes – October 18, 2023

V. Orders of Compliance

VI. Roll Call of Cases

VII. Swearing in of Witnesses

VIII. Explain Process for:

- A. Unfinished Business**
- B. New Cases**
- C. Discussion of Accumulated Fines**

IX. Unfinished Business

KELLY TYDE

Property Location: 4666 Fir Rd., New Smyrna Beach, FL 32168

Parcel No. 723000000080

Zoning: A-1, RC

CEB2016183

Complaint No. 20150903009

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). (Pole barn converted to SFR)

Code Compliance Officer – Margaret Godfrey

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

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of October 30, 2023

Order of Compliance

KAILIN BROUSSEAU

Property Location: 410 N Boundary Ave, Deland 32720

Parcel No. 700827000530

Zoning: I-1(3),I-1(3)A

1: **CEB2022278**

Complaint No. 20220908032

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

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on September 14, 2022

*Order of Non-Compliance issued at the February 15, 2023 hearing:

*1st Amended Order of Non-Compliance issued at the August 16, 2023 hearing:

*2nd Amended Order of Non-Compliance issued at the September 20, 2023 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of October 25, 2023

Order of Compliance

MARINNA JONES

Property Location: 1543 E Voorhis Ave, Deland 32724

Parcel No. 701400000450 Zoning: R-4A

1: 20230725030

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 RVL Living in an R/V

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on August 9, 2023

*Order of Non Compliance issued at the September 20, 2023 hearing:

*Amended Order issued at the October 18, 2023 hearing:

Order of Compliance

2: 20230809013

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s) VN1 Building without a permit

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on August 9, 2023

*Order of Non Compliance issued at the September 20, 2023 hearing:

*Amended Order issued at the October 18, 2023 hearing:

Hearing to Impose Fine/Lien

SOUTHERN TURF INC

Property Location: 4650 S Ridgewood Ave, Edgewater 32141

Parcel No. 853000000050 Zoning: A-3,B-4

1: 20221206072

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2) Description: Removal of any tree without first obtaining a tree removal permit from the County Forester

TRE Tree removal without permit

Environmental Specialist II - Danielle Gadzala

Property owner was first notified of the violation on January 11, 2023

*Order of Non Compliance issued at the Aug 16, 2023 hearing:

Hearing to Impose Fine/Lien

OSCAR DANIEL GUTIERREZ & MARIA CASTANEDA
Property Location: 1203 Leon Ln, Daytona Beach 32117
Parcel No. 523705000190 Zoning: R-5
1: 20230131086 Posted

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Carport enclosed without the required permits, inspections or approvals. According to Volusia County Property Appraiser information, carport was enclosed in year 2019. Carport appears to be converted into a living space with addition of exterior door and windows. DEMO Permit Reference #20220304010 - Cancelled May 21, 2022. May not be a complete list. VN1 Building without a permit

Code Compliance Officer - Peter Hinson

Property owner was first notified of the violation on February 6, 2023
*Order of Non Compliance issued at the September 20, 2023 hearing:

Hearing to Impose Fine/Lien

SHIVAN DUA & DANIELLE SCHLEGELV
Property Location: 1548 Stone Tr, Enterprise 32725
Parcel No. 910804000250 Zoning: R-3(1)EA
1: 20230731002

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

Code Compliance Officer – Fred Eastwood

Property owner was first notified on July 31, 2023
*Order of Non Compliance issued at the September 20, 2023 hearing:

Hearing to Impose Fine/Lien

OLGA DE LA HOZ HOMES LLC
Property Location: 1416 Talton Ave, Deland 32720
Parcel No. 701800000440 Zoning: R-3
1: 20230906055

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s) VN1 Building without a permit

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on September 22, 2023
*Order of Non Compliance issued at the Oct 18, 2023 hearing:

Hearing to Impose Fine/Lien

GAUDENCIO SANCHEZ

Property Location: 2514 Old New York Ave, Deland 32720

Parcel No. 791304000080 Zoning: I-1

1: 20231006037 Posted

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s) VN1 Building without a permit

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on October 6, 2023

*Order of Non Compliance issued at the Oct 18, 2023 hearing:

Hearing to Impose Fine/Lien

2: 20230912049 Posted

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

Code Compliance Officer – Fred Eastwood

Property owner was first notified of the violation on October 6, 2023

*Order of Non Compliance issued at the Oct 18, 2023 hearing:

Hearing to Impose Fine/Lien

GREGGORY JAMES CORUM

Property Location: 1 Jeanette Dr, Deland 32720

Parcel No. 701906000040 Zoning: R-4

1: CEB2021196

Complaint No. 20201105006

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

Code Compliance Officer – Fred Eastwood

Property owner was first notified of the violation on June 7, 2021

*Order of Non-Compliance issued at the November 16, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the December 21, 2022 hearing:

*2nd Amended Order of Non-Compliance issued at the June 21, 2023 hearing:

*3rd Amended Order of Non-Compliance issued at the August 16, 2023 hearing:

Hearing to Impose Fine/Lien

RICHARD & DEBORAH KIESER

BUSBEE ROSEMARY EST

Property Location: 1206 San Jose Blvd, Daytona Beach 32117

Parcel No. 424219230230 Zoning: R-5

1: CEB2022061 Served

Complaint No. 20190812004

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

Code Compliance Officer - Peter Hinson

Property owner was first notified of the violation on March 15, 2022

*Order of Non-Compliance issued at the June 15, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the August 17, 2022 hearing:

*2nd Amended Order of Non-Compliance issued at the November 16, 2022 hearing:

*3rd Amended Order of Non-Compliance issued at the March 15, 2023 hearing:

*4th Amended Order of Non-Compliance issued at the June 21, 2023 hearing:

Hearing to Impose Fine/Lien

2: CEB2022062 Served

Complaint No. 20210430064

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

Code Compliance Officer - Peter Hinson

Property owner was first notified of the violation on July 10, 2021

*Order of Non-Compliance issued at the June 15, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the August 17, 2022 hearing:

*2nd Amended Order of Non-Compliance issued at the November 16, 2022 hearing:

*3rd Amended Order of Non-Compliance issued at the March 15, 2023 hearing:

*4th Amended Order of Non-Compliance issued at the June 21, 2023 hearing:

Hearing to Impose Fine/Lien

DAYTONA SEA BREEZE 3299 LLC

Property Location: 4043 S Atlantic Ave, Port Orange 32127

Parcel No. 631202000870 Zoning: R-9(S)

1: CEB2022195

Complaint No. 20220629029

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s) Vehicle storage yard without special exception/site plan/land development approval

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on June 29, 2022:

*Order of Non-Compliance issued at the September 21, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the November 16, 2022 hearing:

*2nd Amended Order of Non-Compliance issued at the February 15, 2023 hearing:

*3rd Amended Order of Non-Compliance issued at the April 19, 2023 hearing:

*4th Amended Order of Non-Compliance issued at the June 21, 2023 hearing:

Hearing to Impose Fine/Lien

RAYMOND WEBB

Property Location: 2255 E New York Ave, Deland 32724

Parcel No. 701302000350 Zoning: R-3C

1: CEB2023038

Complaint No. 20220715048

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884 Description: Altering any Volusia County jurisdictional wetland and/or wetland buffer without first obtaining a wetland alteration permit.

Environmental Specialist II - Danielle Gadzala

Property owner was first notified of the violation on April 19, 2023

*Order of Non-Compliance issued at the May 17, 2023 hearing:

*1st Amended Order of Non-Compliance issued at the August 16, 2023 hearing:

Hearing to Impose Fine/Lien

GERARDO CASTANEDA HERNANDEZ

Property Location: 200 W Baxter St, Deleon Springs 32130

Parcel No. 694100000021 Zoning: R-3

1: CEB2023040

Complaint No. 20221104037

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

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on March 6, 2023

*Order of Non-Compliance issued at the September 20, 2023 hearing:

*1st Amended Order of Non-Compliance issued at the October 18, 2023 hearing:

Hearing to Impose Fine/Lien

X. Hearings and Presentation of Filed Notices of Violations

LAS BRISAS CONDO HOA OF NSB

Property Location: 3001 Atlantic Ave, New Smyrna Beach 32169

Parcel No. 742208000001

1. 20230509085

CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III DIVISION 12 Sec 72-924 (a) (1, 2, 6) Lights illuminating and/or visible from the beach during sea turtle nesting season from May 1st through October 31st.

Sea Turtle Lighting Specialist - Nicole Weiss

Property owner was first notified of the violation on May 15, 2023

SANDALS US LLC

Property Location: 133 S Ocean Ave, Daytona Beach, 32118

Parcel No. 530401030050

1. 20230817057

CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III DIVISION 12 Sec 72-924 (a) (1, 2, 6) Lights illuminating and/or visible from the beach during sea turtle nesting season from May 1st through October 31st.

Sea Turtle Lighting Specialist - Nicole Weiss

Property owner was first notified of the violation on August 22, 2023

OCEANS EAST CLUB ASSOCIATION

Property Location: 867 Atlantic Ave, Ormond Beach 32176

Parcel No. 422404000001

1. 20230724063

CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III DIVISION 12 Sec 72-924 (a) (1, 2, 6) Lights illuminating and/or visible from the beach during sea turtle nesting season from May 1st through October 31st.

Sea Turtle Lighting Specialist - Nicole Weiss

Property owner was first notified of the violation on July 24, 2023

CONFIDENTIAL DATA

Property Location: 235 Golden Saddle Ln, Ormond Beach 32174

Parcel No. 402501000230 Zoning: A-3

1: CEB2023028

Complaint No. 20220606053

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884 Description: Altering any Volusia County jurisdictional wetland and/or wetland buffer without first obtaining a wetland alteration permit.

Environmental Specialist II - Danielle Gadzala

Property owner was first notified of the violation on March 25, 2023

CLAYTON ROBERT & CAROL MILLENSON

Property Location: 1503 Pioneer Tr, New Smyrna Beach 32168

Parcel No. 741916020010 Zoning: R-4A

1: CEB2023056

Complaint No. 20220923043

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

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on March 10, 2023

XI. Requests for Discussion of Accumulated Fines

SCOTT J POPE

Property Location: 1704 Magnolia Ave, Deland 32724

Parcel No. 603511000040 Zoning: R-4A

1: CEB2020103

Complaint No. 20200226073

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

Code Compliance Officer – Debbie Zechnowitz

Property owner was first notified of the violation on Feb 29, 2020

*Order of Non-Compliance issued at the August 19, 2020 hearing:

*Final Order Imposing Fine Lien issued at the September 16, 2020 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of May 11, 2023

Request for Reduction in the amount of \$14,000.00

Order of Compliance

LINDSEY P GONZALEZ

Property Location: 4231 S Peninsula Dr, Port Orange 32127

Parcel No. 631204004340 Zoning: R-3(S)

1: CEB2021331 Served

Complaint No. 20190702040

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

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on October 29, 2021

*Order of Non-Compliance issued at the January 19, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the February 16, 2022 hearing:

*2nd Amended Order of Non-Compliance issued at the March 16, 2022 hearing:

*3rd Amended Order of Non-Compliance issued at the April 20, 2022 hearing:

*Final Order Imposing Fine Lien issued at the October 19, 2022 hearing:

*1st Amended Order Imposing Fine Lien issued at the December 21, 2022 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 14, 2023:

Request for Reduction in the amount of \$5,300.00

XII. New Business

- 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**
 - 2024 Code Board Hearing Dates**
 - 2024 Special Magistrate Hearing Dates**

XIII. Adjournment

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT (TITLE II)

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the County of Volusia ("County") will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in County programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

The ADA does not require the County to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

County will make such reasonable modification to policies and programs for qualified persons with disabilities to ensure they have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of County, should contact the office of the County's ADA Title II Coordinator, Jim Corbett, at (386) 248-1760, as soon as possible but no later than 2 business days before the scheduled event or meeting. This paragraph shall likewise apply to written requests by a physically handicapped person needing a special accommodation to attend a public meeting in accordance with section 286.26, Florida Statutes.

Complaints that a program, service, or activity of County is not accessible to persons with disabilities should be directed to the County in accordance with the County of Volusia Grievance Procedure under the Americans with Disabilities Act (Title II). A copy of the procedure may be obtained by contacting the office of the County's ADA Coordinator, (386) 248-1760.

County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Assisted listening system receivers are available for the hearing impaired, and can be obtained from the Deputy Clerk by calling the County Manager's Office at 386-736-5920.