



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

November 15, 2023

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
Clay Meek, Board Attorney
Pete Zahn
Rick Dwyer
Andrew Hall
Jami Gallegos
Donald Needham

MEMBERS ABSENT

STAFF PRESENT

Kerry Leuzinger, Chief Building Official
Nicholas Ventura, Activity Project Manager
Jacquie Fleming, Code Board Clerk
Chris Hutchison, Code Compliance Manager
Peter Hinson, Code Compliance Officer
Debbie Zechnowitz, Code Compliance Officer
Sebrina Slack, Assistant County Attorney
Julie McCrystal, Environmental Specialist II
Todd Hannah, Environmental Specialist III
Danielle Gadzala, Environmental Specialist II
Paul Traider, Building Inspector II
Margaret Godfrey, Code Compliance
Robert Chayer, Code Compliance Officer
Fred Eastwood, Code Compliance Officer
Scott Ashley, Planning and Development

* * * * *
APPROVAL OF MINUTES
* * * * *

The October 18, 2023 and November 15, 2023, minutes will be approved at the December 20, 2023 hearing.

* * * * *

All parties and witnesses who were to provide testimony were sworn in by the Clerk prior to any testimony being presented.

Audio from this meeting can be found at <https://www.volusia.org/services/growth-and-resource-management/code-enforcement/code-enforcement-board.stml>

IX. UNFINISHED BUSINESS

KELLY TYDE

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

Parcel No. 72300000080

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

Based on a submitted Report and Affidavit of Compliance, Member Zahn MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.

After Hall Zahn SECONDED the motion, it CARRIED unanimously by voice vote by the rest of the Board Members.

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

Based on a submitted Report and Affidavit of Compliance, Member Zahn MOVED

to issue an Order of Compliance as the Respondent(s) has achieved compliance.

After Hall Zahn SECONDED the motion, it CARRIED unanimously by voice vote by the rest of the Board Members

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

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

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

There was no one present for this hearing.

Fred Eastwood, Code Compliance, presented the case. Fred went over the case details, showing photos. There was a discussion between Fred and the Board.

After discussion and based on the testimony and evidence presented, Member Hall MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day, with a cap of \$10,000.00, commencing December 21, 2023, and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1. After Member Dwyer SECONDED the motion, it CARRIED unanimously by voice vote.

SOUTHERN TURF INC

Property Location: 4650 S Ridgewood Ave, Edgewater 32141

Parcel No. 85300000050 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

There was no one present for this hearing

Danielle Gadzala, Environmental Specialist II, presented the case. Danielle went over the case details, showing photos. There was a discussion between Danielle and the Board

After discussion and based on the testimony and evidence presented, Member Zahn MOVED to issue a 1st Amended Order of Non-Compliance of Volusia County Code of Ordinances, CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2) with a Hearing to Impose Fine is set for the December 20, 2023, hearing. After Member Hall SECONDED the motion, it CARRIED unanimously by voice vote.

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

No one was present for this hearing.

Peter Hinson, Code Compliance, presented the case. Peter went over the case details, showing photos. There was a discussion between Peter and the Board.

After discussion and based on the testimony and evidence presented, Member Needham MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day, with no cap, commencing December 21, 2023, and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1. After Member Zahn SECONDED the motion, it CARRIED unanimously by voice vote.

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

There was no one present for the hearing.

Fred Eastwood, Code Compliance, presented the case. Fred went over the case details, showing photos. There was a discussion between Fred and the Board.

After discussion and based on the testimony and evidence presented, Member Zahn MOVED to issue an 1st Amended Order of Non-Compliance, for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1, With a compliance date of January 17, 2024, and a Hearing to Impose Fine is set for November 15, 2023 After Member Needham SECONDED the motion, it CARRIED unanimously by voice vote.

OLGA DE LA HOZ HOMES LLC

Property Location: 1416 Talton Ave, Deland 32720

Parcel No. 70180000440 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

There was no one present for this hearing.

Debbie Zechnowitz, Code Compliance, presented the case. Debbie went over the case details, showing photos. There was a discussion between Debbie and the Board.

After discussion and based on the testimony and evidence presented, Member Zahn MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day, with no cap, commencing December 21, 2023, and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 After Member Needham SECONDED the motion, it CARRIED unanimously by voice vote.

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

Roger Exzavier present for the hearing.

Fred Eastwood, Code Compliance, presented the case. Fred went over the case details, showing photos. There was a discussion between Fred, Mr. Exzavier and the Board.

After discussion and based on the testimony and evidence presented, Member Zahn MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day, per case, with no cap, commencing December 21, 2023, and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 After Member Needham SECONDED the motion, it CARRIED unanimously by voice vote.

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

Roger Exzavier present for the hearing.

Fred Eastwood, Code Compliance, presented the case. Fred went over the case details, showing photos. There was a discussion between Fred, Mr. Exzavier and the Board

After discussion and based on the testimony and evidence presented, Member Zahn MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day, per case, with no cap, commencing December 21, 2023, and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 After Member Needham SECONDED the motion, it CARRIED unanimously by voice vote.

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

There was no one present for the hearing.

Fred Eastwood, Code Compliance, presented the case. Fred went over the case details, showing photos. There was a discussion between Fred and the Board

After discussion and based on the testimony and evidence presented, Member Zahn MOVED to issue a 4th Amended Order of Non-Compliance of Volusia County Code of Ordinances, CHAPTER 22-2, SECTION 105.1 and 110.1 with a Hearing to Impose Fine is set for the March 20, 2024, hearing. After Member Needham SECONDED the motion, it CARRIED unanimously by voice vote.

**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

There was no one present for the hearing.

Peter Hinson, Code Compliance, presented the case. Peter went over the case details,
showing photos. There was a discussion between Peter and the Board

After discussion and based on the testimony and evidence presented, Member Zahn MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day, per case, with no cap, commencing December 21, 2023, and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 After Member Needham SECONDED the motion, it CARRIED unanimously by voice vote.

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

There was no one present for the hearing.

Peter Hinson, Code Compliance, presented the case. Peter went over the case details, showing photos. There was a discussion between Peter and the Board

After discussion and based on the testimony and evidence presented, Member Zahn MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day, per case, with no cap, commencing December 21, 2023, and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 After Member Needham SECONDED the motion, it CARRIED unanimously by voice vote.

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

There was no one present for the hearing.

Fred Eastwood, Code Compliance, presented the case. Fred went over the case details, showing photos. There was a discussion between Fred and the Board

After discussion and based on the testimony and evidence presented, Member Needham MOVED to issue a 5th Amended Order of Non-Compliance of Volusia County Code of Ordinances, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 with a Hearing to Impose Fine is set for the February 21, 2024, hearing. After Member Zahn SECONDED the motion, it CARRIED unanimously by voice vote.

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

There was no one present for the hearing.

Danielle Gadzala, Environmental Specialist II, presented the case. Danielle went over the case details, showing photos. There was a discussion between Danielle and the Board.

After discussion and based on the testimony and evidence presented, Member Hall MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day, with no cap, commencing December 21, 2023, and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884 After Member Zahn SECONDED the motion, it CARRIED unanimously by voice vote.

GERARDO CASTANEDA HERNANDEZ

Property Location: 200 W Baxter St, Deleon Springs 32130

Parcel No. 69410000021 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

There was no one present for this hearing.

Debbie Zechnowitz, Code Compliance, presented the case. Debbie went over the case details, showing photos. There was a discussion between Debbie and the Board.

After discussion and based on the testimony and evidence presented, Member Hall MOVED to issue a 2nd Amended Order of Non-Compliance of Volusia County Code of Ordinances, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 with a Hearing to Impose Fine is set for the December 20, 2023, hearing. After Member Needham SECONDED the motion, it CARRIED unanimously by voice vote.

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

CONTINUED TO JANUARY 17, 2024

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

CONTINUED TO JANUARY 17, 2024

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

CONTINUED JANUARY 17, 2024

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

Scott was present for this hearing.

Danielle Gadzala, Environmental Specialist II, presented the case. Danielle went over the case details, showing photos. There was a discussion between Danielle, Scott and the Board

After discussion and based on the testimony and evidence presented, Member Zahn MOVED to issue an Order of Non-Compliance of Volusia County Code of Ordinances, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884, With a compliance date of January 12, 2024 and a Hearing to Impose Fine is set for the January 17, 2024 hearing After Member Needham SECONDED the motion, it CARRIED unanimously by voice vote.

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

There was no one present for this hearing.

Robert Chayer, Code Compliance, presented the case. Robert went over the case details, showing photos. There was a discussion between Robert and the Board

After discussion and based on the testimony and evidence presented, Member Needham MOVED to issue an Order of Non-Compliance of Volusia County Code of Ordinances, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, With a compliance date of December 8, 2023 and a Hearing to Impose Fine is set for the December 20, 2023 hearing After Member Zahn SECONDED the motion, it CARRIED unanimously by voice vote.

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

After discussion and based on the testimony and evidence presented, Member Hall MOVED to Reduce the fine to Zero Dollars and No Cents. Board will issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b) After Zahn Gallegos SECONDED the motion, it CARRIED unanimously by voice vote.

Order of Compliance

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

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

There was no one present for this hearing.

After discussion and based on the testimony and evidence presented, Member Zahn MOVED to Deny the request for Reduction for violation without prejudice of Volusia County Code of Ordinances, CHAPTER 22-2, SECTIONS 105.1 AND 110.1. After Member Needham SECONDED the motion, it CARRIED unanimously by voice vote.

IX. Unfinished Business

CEB2017248- ROBERT J JR & TRICIA R MILLER

Posted

Complaint No. 20160923034

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) (Pre-fab metal structure)

Property Location: 3845 Sr 44, New Smyrna Beach 32168

Parcel No. 722301010100

Zoning: A-1C

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Sep 29, 2016

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

*Final Order Imposing Fine Lien issued at the January 17, 2018 hearing:

Request for Partial Release

Tricia Miller was present for this case.

After discussion and based on the testimony and evidence presented, Member Hall MOVED to approve Partial Release for the application of Volusia County Code of Ordinances, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 After Member Dwyer SECONDED the motion, it CARRIED unanimously by voice vote.

MICHAEL J SECA

Property Location: 3030 John Anderson Dr, Ormond Beach 32176

Parcel No. 322100020010 Zoning: R-3

1: CEB2022079 Served

Complaint No. 20220331077

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 - Julie McCrystal

Property owner was first notified of the violation on April 02, 2022

*Order of Non-Compliance issued at the May 18, 2022 hearing:

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

*2nd Amended Order of Non-Compliance issued at the October 19, 2022 hearing:

*Final Order Imposing Fine Lien issued at the April 19, 2023 hearing:

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

Order of Compliance

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

**COUNTY OF VOLUSIA
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 the 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 communications 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 equal opportunity to enjoy all of its programs, services and activities. For example, individuals with service animals are welcome 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 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 are in wheelchairs.

XII. New Business

- A. Tally Sheets (Quarterly)**
- B. As Entertained by Chairman**
Member Needham left the meeting at 11:09
- C. As Entertained by Board Attorney**
- D. As Entertained by Staff Attorney**
- E. As Entertained By Staff**

* * * * *

ADJOURNMENT

There being no further business to discuss before the Board, the meeting adjourned at 10:51 a.m.

Respectfully submitted,

Jacque Fleming
Code Enforcement Board Clerk

CERTIFICATE

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

I, Jacquie Fleming, 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 November 15, 2023, at 123 West Indiana Avenue, Deland, Florida.

WITNESS MY HAND this 15th day of November, 2023, in the City of DeLand, County of Volusia, State of Florida.

**Jacquie Fleming
Code Board Clerk**

November 15, 2023