



## VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

November 17, 2021

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  
Andrew Hall, Vice-Chair  
Clement Nadeau  
Donald Needham  
Pete Zahn  
Rick Dwyer  
Vikki Leonard  
Charles Cino, Board Attorney (Via Webinar)

### MEMBERS ABSENT

### STAFF PRESENT

Chris Hutchison, Code Compliance Manager  
Isiah Pitts, Code Compliance Officer  
Robert Chayer, Code Compliance Officer  
Margaret Godfrey, Code Compliance Officer  
Peter Hinson, Code Compliance Officer  
Fred Eastwood, Code Compliance Officer  
Debbie Zechnowitz, Code Compliance Officer  
Sebrina Slack, Assistant County Attorney  
Samantha West, Environmental Specialist III  
Julie McCrystal, Environmental Specialist II  
Kerry Leuzinger, Chief Building Official  
Ramona Jones, Code Board Clerk  
Tom Legler, Deputy Building Official  
Paul Traider, Contractor Licensing Investigator

\* \* \* \* \*

### APPROVAL OF MINUTES

Member Leonard moved to approve the minutes from the September 15, 2021 and October 20, 2021 hearing. Member Nadeau seconded the motion which carried unanimously by voice votes.

\* \* \* \* \*

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

November 17, 2021

## IX. Unfinished Business

### **CEB2016194-TIFFANY, LARRIE**

**Posted**

Complaint No. 20160912015

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

Property Location: 21 Pinta St, Ormond Beach 32176

**Parcel No. 420302000210**

**Zoning: R-4**

**Zoning Compliance Officer – Peter Hinson**

Property owner was first notified of the violation on Sep 16, 2016

\*Final Order of Non Compliance and Order Imposing Fine Lien issued at the October 19, 2016 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of November 4, 2021:

#### **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 Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote by the rest of the Board Members.

### **CEB2017096-TIFFANY, LARRIE**

**Served**

**\*\*\* Repeat Violation\*\*\***

Complaint No. 20170327003

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: 21 Pinta St., Ormond Beach 32176

**Parcel No. 420302000210**

**Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on October 19, 2016

\*Final Order of Non Compliance and Order Imposing Fine Lien issued at the April 19, 2017 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of November 4, 2021:

#### **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 Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote by the rest of the Board Members.

November 17, 2021

**CEB2017097-TIFFANY, LARRIE**

**Served**

**\*\*\* Repeat Violation\*\*\***

Complaint No. 20170327004

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (E) Parking motor vehicle(s) on front yard, other than on driveway

Property Location: 21 Pinta St., Ormond Beach 32176

**Parcel No. 420302000210**

**Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on October 19, 2016

\*Final Order of Non Compliance and Order Imposing Fine Lien issued at the April 19, 2017 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of November 4, 2021:

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

**CEB2019302- BOUDREAUX DALE F**

**Served**

Complaint No. 20181226006

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

Property Location: 711 Pineland Tr, Ormond Beach 32174

**Parcel No. 411200000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

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

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

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

\*2nd Amended Order of Non-Compliance issued at the January 15, 2020 hearing:

\*3rd Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

\*Final Order Imposing Fine Lien issued at the July 15, 2020 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of October 28, 2021:

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

November 17, 2021

**CEB2018521 - REDDIN CORREAN**

**Served**

Complaint No. 20181129009

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: 725 Parque Dr., Ormond Beach 32174

**Parcel No. 424220290040**

**Zoning: R-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Dec 04, 2018

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

\*1st Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

\*2nd Amended Order of Non-Compliance issued at the August 19, 2020 hearing:

\*3rd Amended Order of Non-Compliance issued at the December 16, 2020 hearing:

\*4th Amended Order of Non-Compliance issued at the April 21, 2021 hearing:

\*5th Amended Order of Non-Compliance issued at the June 16, 2021 hearing:

\*6th Amended Order of Non-Compliance issued at the September 15, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert stated his last inspection was on 10-28-21 and the property remains in violation. Robert said that this hasn't gone to CLCA because she had an Attorney due to the insurance claims. Robert said he emailed the Attorney for a status update but has not heard back. Robert said we did receive a new complaint from the Sheriff's office and would like to dismiss the case and refer it to CLCA.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order of Dismissal, referring to CLCA, for violation of Volusia County Code of Ordinances CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

November 17, 2021

**CEB2019137 - TROPICAL HAMMOCK INC**

**Posted**

Complaint No. 20190329008

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

Property Location: 1485 Lakeview Dr., Deland 32720

**Parcel No. 792404000050**

**Zoning: B-7**

**Code Compliance Officer – Margaret Godfrey**

Property owner was first notified of the violation on Apr 24, 2019

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

\*1st Amended Order of Non-Compliance issued at the October 16, 2019 hearing:

\*2nd Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

\*3rd Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

\*4th Amended Order of Non-Compliance issued at the August 19, 2020 hearing:

\*5th Amended Order of Non-Compliance issued at the January 20, 2021 hearing:

\*6th Amended Order of Non-Compliance issued at the March 17, 2021 hearing:

\*7th Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

**Hearing to Impose Fine/Lien**

Mike Woods, Attorney, was present at the hearing for this case.

Margaret Godfrey, code compliance, and Julie McCrystal, Environmental Specialist II presented the 3 cases together. Margaret went over the case details, showing photos. Margaret stated that a Warranty Deed was signed between Tropical Hammock and 1485 Lakeview Dr. LLC to transfer ownership. Margaret added staff wants to make sure the new buyers are given time to make sure progress is being made and is recommending a 8<sup>th</sup> amended order of non-compliance. Mike Woods confirmed that the property had been sold. Mike Woods gave an update on the property stating the RV usage is being pulled out now with the new purchasers and added that they have variance meeting scheduled for next month to address the fish cleaning station that was added on to the dock on the south west corner. Chairman Lingenfelter asked if Julie had the same recommendation and Julie said yes the permit is in for the dock and the wetland alteration permit is in ready issue status.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 8th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the January 19, 2022 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2019215 - TROPICAL HAMMOCK INC**

**Served**

Complaint No. 20190703037

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Business where not permitted (RV campground

Property Location: 1485 Lakeview Dr., Deland 32720

**Parcel No. 792404000050**

**Zoning: B-7**

**Code Compliance Officer – Margaret Godfrey**

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

November 17, 2021

- \*Order of Non-Compliance issued at the July 17, 2019 hearing:
- \*1st Amended Order of Non-Compliance issued at the November 20, 2019 hearing:
- \*2nd Amended Order of Non-Compliance issued at the December 18, 2019 hearing:
- \*3rd Amended Order of Non-Compliance issued at the May 20, 2020 hearing:
- \*4th Amended Order of Non-Compliance issued at the August 19, 2020 hearing:
- \*5th Amended Order of Non-Compliance issued at the January 20, 2021 hearing:
- \*6th Amended Order of Non-Compliance issued at the March 17, 2021 hearing:
- \*7th Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 8th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241, with a Hearing to Impose Fine set for the January 19, 2022 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2019358 - TROPICAL HAMMOCK INC**

**Served**

Complaint No. 20180413017

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. Specifically, dredging within wetlands and buffers on site.

Property Location: 1485 Lakeview Dr., Deland 32720

**Parcel No. 792404000050                      Zoning: B-7**

**Environmental Specialist II - Julie McCrystal**

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

- \*Order of Non-Compliance issued at the November 20, 2019 hearing:
- \*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:
- \*2nd Amended Order of Non-Compliance issued at the May 20, 2020 hearing:
- \*3rd Amended Order of Non-Compliance issued at the August 19, 2020 hearing:
- \*4th Amended Order of Non-Compliance issued at the January 20, 2021 hearing:
- \*5th Amended Order of Non-Compliance issued at the March 17, 2021 hearing:
- \*6th Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 7th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884, with a Hearing to Impose Fine set for the January 19, 2022 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

November 17, 2021

**CEB2019208 - ABC DEMOLITION INC**

**Served**

Complaint No. 20190514005

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

Property Location: Lakeview Dr., Deland 32720

**Parcel No. 791304000165**

**Zoning: I-1**

**Code Compliance Officer – Margaret Godfrey**

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

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

\*1st Amended Order of Non-Compliance issued at the October 16, 2019 hearing:

\*2nd Amended Order of Non-Compliance issued at the November 20, 2019 hearing:

\*3rd Amended Order of Non-Compliance issued at the June 17, 2020 hearing:

\*4th Amended Order of Non-Compliance issued at the October 21, 2020 hearing:

\*5th Amended Order of Non-Compliance issued at the May 19, 2021 hearing:

**Hearing to Impose Fine/Lien**

Ed Grimes was present via Webinar at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated that Mr. Grimes is still in the bankruptcy process and she is recommending another amended order. Mr. Grimes said he had nothing to add.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 6th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241, with a Hearing to Impose Fine set for the May 18, 2022 hearing.** After Member Hall **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

November 17, 2021

**CEB2019346 - SWIFT DONALD E & BIBI**

**Served**

Complaint No. 20190531022

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Renovation and or remodel with no evidence of required permits / inspections or approvals. Anonymous complaint. Replacement of doors/windows, interior / exterior structural framing, subflooring, siding, enclosure of porch / non-living space, removal / rework of plumbing, new HVAC ductwork and mechanical equipment, new electric wiring / circuits / system, may not be a complete list. Residence is unoccupied.

Property Location: 2963 N Shell Rd, Deland 32720

**Parcel No. 791505000020**

**Zoning: R-3**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Oct 10, 2019

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

\*1st Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

\*2nd Amended Order of Non-Compliance issued at the October 21, 2020 hearing:

\*3rd Amended Order of Non-Compliance issued at the April 21, 2021 hearing:

\*4th Amended Order of Non-Compliance issued at the October 20, 2021 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of November 9, 2021:

**Hearing to Impose Fine/Lien 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 Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote by the rest of the Board Members.

November 17, 2021



**CEB2020042 - COLLINS BRIAN M**

**Served**

Complaint No. 20191007032

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). Additional structure

Property Location: 460 Guise Rd, Osteen 32764

**Parcel No. 92160000410**

**Zoning: A-1**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on 3-16-20

\*Order of Non-Compliance issued at the December 16, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the April 21, 2021 hearing:

\*2nd Amended Order of Non-Compliance issued at the June 16, 2021 hearing:

\*3rd Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

\*4th Amended Order of Non-Compliance issued at the September 15, 2021 hearing:

**Hearing to Impose Fine/Lien**

Shane Boutty, Attorney, and Brian Collins were present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated there have been 4 permit application that have been submitted and the applications were cancelled by the permit department due to being incomplete. The permit department has sent emails to Ford Recovery requesting several items in order for the application to be processed. Margaret added that this is considered a new build and the following items needed to be submitted with the application in order for it to be processed; Site plan, survey, shape dimension of lot, boundary survey, energy calculations, need to verify the house has a well and is connected to the county sewer system and they also need to do elevations. Margaret said there have been no other applications to date and no contact with the property owner and added she is recommending an order imposing fine lien in the amount of \$100.00 per day with a cap of \$20,000.00 to begin on December 16, 2021 because this has been going on since 2013. Shane stated that most of the items have been submitted and the engineer of record on the original plans that were submitted has passed away and the building department required a new engineer so there was a delay in trying to get a new Engineer. Shane said that the plans were submitted in May and said he has emails as far back as May. Shane added that his client has been trying to work with the professionals to get this done as he personally can't do it himself. Shane said that Mr. Collins has a new contractor on board to do this work but it is required to get a new boundary survey and topographical survey which he ordered in October and added it is scheduled for December 13th. Shane said his client is trying to be compliant. Member Zahn asked how long he thought this would take. Shane said probably a couple of weeks after the survey is done. Member Zahn then asked Margaret if there was a benefit to submitting some of this data just to show progress. Margaret said they need to be submitted all at once. Member Zahn then asked if Margaret was okay with an amended order to January.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 5th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the January 19, 2022 hearing.** After Member Nadeau **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

November 17, 2021

**CEB2020121 - CARRIE L RITCHIE**

**Served**

Complaint No. 20200227034

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: 1835 Nelson Ave, Ormond Beach 32174

**Parcel No. 424204200163**

**Zoning: R-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on 4-7-21

\*Order of Non-Compliance issued at the August 18, 2021 hearing:

**Hearing to Impose Fine/Lien**

Carrie Ritchie was present via Webinar at the hearing for this case.

Robert Chayer, code compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert stated the last inspection was performed on 11-16-2021 by Peter Hinson who took updated photos and spoke with the property owner and added that a huge amount of stuff had been taken off the property and they had receipts from the dump to prove this. Robert added that there has been great progress on the property and would like to give some more time. Chairman Lingenfelter asked Ms. Ritchie if she agreed to the time frame and she said yes that would be fine as she has been ill and in the hospital otherwise it would have all been done by now.

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, COUNTY OF VOLUSIA, Chapter 58, Health & Sanitation SEC. 58-36, with a Hearing to Impose Fine set for the February 16, 2022 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020122 - CARRIE L RITCHIE**

**Served**

Complaint No. 20200227035

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

Property Location: 1835 Nelson Ave, Ormond Beach 32174

**Parcel No. 424204200163**

**Zoning: R-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on 4-7-21

\*Order of Non-Compliance issued at the August 18, 2021 hearing:

**Hearing to Impose Fine/Lien**

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, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241, with a Hearing to Impose Fine set for the February 16, 2022 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

November 17, 2021

**CEB2020299 - BONGARD RYAN**

**Served**

Complaint No. 20200830001

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.

Property Location: Swamp Deer Rd, New Smyrna Beach 32168

**Parcel No. 820101060370**

**Zoning: RA**

**Environmental Specialist II - Julie McCrystal**

Property owner was first notified of the violation on

\*Order of Non-Compliance issued at the January 20, 2021 hearing:

\*1st Amended Order of Non-Compliance issued at the April 21, 2021 hearing:

\*2nd Amended Order of Non-Compliance issued at the May 19, 2021 hearing:

\*3rd Amended Order of Non-Compliance issued at the August 18, 2021 hearing:

**Hearing to Impose Fine/Lien**

Ryan Bongard was present via Webinar at the hearing for this case.

Julie McCrystal, Environmental Specialist, presented the case. Julie went over the case details, showing photos. Julie said she sent an email requesting an update with the property on 11-2-21 and on 11-10-21 the Wetlands Alteration Permit application and Mitigation plan were submitted by the consultant and is under review. Chairman Lingenfelter asked Mr. Bongard if he agreed to more time. Mr. Bongard said yes that would be great. Julie then added that she would like to give him until January.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 4th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884, with a Hearing to Impose Fine set for the January 19, 2022 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

November 17, 2021

**CEB2021036 - B & B UNDERGROUND & DRILLING INC**

**Served**

Complaint No. 20200823002

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.

Property Location: 1297 Duroc Dr, Lake Helen 32744

**Parcel No. 713200000090**

**Zoning: 999, A-1, A-2**

**Environmental Specialist II - Julie McCrystal**

Property owner was first notified of the violation on Bennett 2-16-21

\*Order of Non-Compliance issued at the March 17, 2021 hearing:

\*1st Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

\*2nd Amended Order of Non-Compliance issued at the September 15, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Julie McCrystal, Environmental Specialist, presented the case. Julie went over the case details, showing photos. Julie said on November 10<sup>th</sup> they reviewed the planting plan, and they are working on a couple of revisions and she is expecting that back soon and then the permit can be issued.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884, with a Hearing to Impose Fine set for the December 15, 2021 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

November 17, 2021

**CEB2021069 - TRSTE LLC TR**

**Posted**

Complaint No. 20210129051

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-280 Two principal structures on one lot

Property Location: 341 Elizabeth St, Enterprise 32725

**Parcel No. 910603050130**

**Zoning: R-4EA**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on 3-22-21

\*Order of Non-Compliance issued at the September 15, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Margaret Godfrey, code compliance, presented the 3 cases together. Margaret went over the case details, showing photos. Margaret stated on 10-13-2021 a cancellation notice was sent to Ben Landaal the contactor, stating the application was cancelled due to no activity. Margaret said she received an email from Greta Smith the property manager on 10-14-21. Margaret said that Tom Legler has given them a list for all items that need to be addressed. Margaret stated that none of the items are being address as they think the only issue is the moving of the bathroom vanity. Margaret added there has been all kinds of work done, air conditioning, plumbing and electrical work that needs to be addressed. Margaret added the application was canceled by the permit department because there has been no response. Chairman Lingenfelter asked if the list from Tom Legler was given to the contractor. Margaret said yes it has been emailed to everyone involved.

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 \$50.00 per day/per case commencing December 16, 2021 and to continue until compliance is achieved, but not to exceed \$10,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-280.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021070 - TRSTE LLC TR**

**Posted**

Complaint No. 20210122012

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). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Accessory structures, second residence, Residential renovation. Mechanical. Plumbing. Electrical. Building. May not be a complete list.

Property Location: 341 Elizabeth St, Enterprise 32725

**Parcel No. 910603050130**

**Zoning: R-4EA**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on 3-22-21

\*Order of Non-Compliance issued at the September 15, 2021 hearing:

**Hearing to Impose Fine/Lien**

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** November 17, 2021

**of \$50.00 per day/per case commencing December 16, 2021 and to continue until compliance is achieved, but not to exceed \$10,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021071 - TRSTE LLC TR**

**Posted**

Complaint No. 20210319009

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: 341 Elizabeth St, Enterprise 32725

**Parcel No. 910603050130**

**Zoning: R-4EA**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on P Richardson 3-22-21

\*Order of Non-Compliance issued at the September 15, 2021 hearing:

**Hearing to Impose Fine/Lien**

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 \$50.00 per day/per case commencing December 16, 2021 and to continue until compliance is achieved, but not to exceed \$10,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b).** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

November 17, 2021

**CEB2021128 - ANTHONY COOPER**

**Served**

Complaint No. 20210220006

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291 Contractor storage yard with no final site plan

Property Location: 494 Old Daytona Rd, Deland 32724

**Parcel No. 603304000010**

**Zoning: I-1A**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Feb 15, 2021

\*Order of Non-Compliance issued at the June 16, 2021 hearing:

\*1st Amended Order of Non-Compliance issued at the August 18, 2021 hearing:

\*2nd Amended Order of Non-Compliance issued at the September 15, 2021 hearing:

**Hearing to Impose Fine/Lien**

Anthony Cooper and Kenneth Ashley, GC, were present at the hearing for this case.

Robert Chayer, code compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert stated his last inspection was on 11-15-21 and that they were having issues with their site plan and getting an engineer to sign off on it. There was a letter from EPI Engineered Permits, Inc. passed out requesting a 90 day extension so they can prepare the required plans for submittal. Chairman Lingenfelter asked Robert if he was okay with an extension. Robert said he spoke with Julie and they are recommending an order imposing fine lien to begin on February 17. The GC Kenneth Ashley stated he would like more time and asked the engineer to come today but they were only able to supply the letter that was passed out. Member Zahn asked Robert if he was okay going to February due to the letter that was passed out. Robert said yes that's fine.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291, with a Hearing to Impose Fine set for the February 16, 2022 hearing.** After Member Needham **SECONDED** the motion, Member Leonard opposed and it **CARRIED** by voice vote.

**CEB2021129 - ANTHONY COOPER**

**Served**

Complaint No. 20210220007

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: 494 Old Daytona Rd, Deland 32724

**Parcel No. 603304000010**

**Zoning: I-1A**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Feb 15, 2021

\*Order of Non-Compliance issued at the June 16, 2021 hearing:

\*1st Amended Order of Non-Compliance issued at the August 18, 2021 hearing:

\*2nd Amended Order of Non-Compliance issued at the September 15, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of**

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**VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b), with a Hearing to Impose Fine set for the February 16, 2022 hearing.** After Member Needham **SECONDED** the motion, Member Leonard opposed and it **CARRIED** by voice vote.

**CEB2021079 – ANTHONY COOPER**

**Served**

Complaint No. 20210214003

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

Property Location: 494 Old Daytona Rd, Deland 32724

**Parcel No. 603304000010                      Zoning: I-1A**

**Environmental Specialist II - Julie McCrystal**

Property owner was first notified of the violation on Feb 15, 2021

\*Order of Non-Compliance issued at the June 16, 2021 hearing:

\*1st Amended Order of Non-Compliance issued at the August 18, 2021 hearing:

\*2nd Amended Order of Non-Compliance issued at the September 15, 2021 hearing:

**Hearing to Impose Fine/Lien**

Anthony Cooper and Kenneth Ashley were present at the hearing for this case.

Julie McCrystal, Environmental Specialist, presented the case. Julie went over the case details, showing photos. Julie said she agrees with the February time frame for her case.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2), with a Hearing to Impose Fine set for the February 16, 2022 hearing.** After Member Needham **SECONDED** the motion, Member Leonard opposed and it **CARRIED** by voice vote.

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**CEB2021141 - VELZAQUEZ YUNISLEYDIS RODRIGUEZ****Posted**

Complaint No. 20200604052

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). Structures without permits.

Property Location: 711 Cypress Ave, Orange City 32763

**Parcel No. 800900000290****Zoning: A-3****Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Jun 25, 2020

\*Order of Non-Compliance issued at the August 18, 2021 hearing:

**Hearing to Impose Fine/Lien**

Nika Hosseini, Attorney, was present at the hearing for this case.

Isiah Pitts, code compliance, presented the 2 cases together. Isiah went over the case details, showing photos. Isiah stated his last inspection was on 11-17-21 and the property does have an Electrical permit in plans review and expires on 5-9-22 and they also have a pool permit issued and expires on 12-21-21. Isiah added they had a variance approved but it's tied to all the building permits that have to be finalized. Member Zahn asked if the photos of the property are showing materials related to a business or if they are related to what they're going to construct. Isiah said he believes they are related to a business. Chairman Lingenfelter asked if there was a BTR. Isiah said no and added that he has a witness that would like to speak. Member Dwyer asked if Isiah there has been any progress by the respondent. Isiah said they did pull the pool permit and a RES permit for the large structure but there are still a lot of other issues going on that need permits. Chairman Lingenfelter asked Isiah if his witness realizes that she could be subject cross-examination by the attorney representing the owner. Isiah said she does now. Melanie Ceballos from 635 Cypress Ave stated this property is running a commercial business for the last 5 years. Melanie stated they have heard nothing but dump trucks and front end loaders and it has put stress on her family and animals. Melanie added that they live in an agricultural residential area and was not sure why they are being allowed to run a commercial construction business and now they are currently building across the street and have destroyed her driveway that she cannot get into now. Chairman Lingenfelter asked if she feels the equipment there is not related to the construction activity on the property. Melanie stated that you can drive by there on a daily basis and you would see shingles, bricks and other building materials and added they are building houses right around the area and they are using the property to unload and reload their materials. Member Leonard asked if they had signs on their trucks that say such and such construction. Melanie said she has seen one that says Level Up on the dump truck and there is another sign but she couldn't see what it said. Member Dwyer asked Isiah if the property was zoned for these commercial activities. Isiah stated no it is zoned A-3. Member Zahn added that what's before us is construction without permits and Isiah said yes but she wanted to give a statement. Member Zahn then stated they have 2 permits pulled but there are at least 3 other structures that require a permit. Isiah added he is looking into the permitted use. Chairman Lingenfelter asked Nika if she wanted to cross examine the witness and Nika said no. Nika stated she is not going to comment on the use but is happy to look into

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that from her perspective. Nika added for the structures without permits, they did receive a variance for the structures. Nika added they have an architect doing the as built drawings at this time and a couple of them are submitted and done and added surveyors, architects and engineers have been very busy, so it's taking a little bit longer. Nika said they should have that within the next couple of weeks, to be able to submit the rest of the permits. Nika said since we have received those variances to keep those structures where they are and make sure that they're all being permitted. Nika said she received an email at 9:07 am stating the pool was inspected and passed the final inspection, so this can be closed out. Chairman Lingenfelter asked Nika if she had a full list of what was built without permit and she said yes. Chairman Lingenfelter then asked if the variance was for the building that was right on the property line in the photo. Nika said yes. Chairman Lingenfelter asked what the staff recommendation was. Isiah said to impose fine/lien of \$250.00 per day, per case to start on 12-16-21 with no cap. Chairman Lingenfelter then asked Nika what her timeframe was. Nika said she's hoping by January. Member Needham asked Nika if she sees the recommendation and if she would be able to get anything submitted by December. Nika said it depends on when they get the as built drawings. Nika added they have an architect under contract, the variances were approved and a lot of time and money has been spent on getting that approved. Member Dwyer then made the motion to impose fines starting in December, which Vice-Chair Hall and Member Nadeau opposed. Chairman Lingenfelter then asked if the motion makers wished to change the date to January. Nika stated that she has been in contact with Isiah with continuous updates, they went to PLDRG and got the variance, the pool was just finalized and she believes they have made significant progress and thinks there's some kind of idea of getting the business out of there, if there is a business to run or something of that nature and thinks this is being mixed together. Member Zahn stated that as for him he is not considering that as it is not what was before us. Member Dwyer said the same. Chairman Lingenfelter said this can come back in December and have it reconsidered.

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day/per case commencing December 16, 2021 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, Members Nadeau and Hall opposed, it **CARRIED** by voice vote.

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**CEB2021202 - VELZAQUEZ YUNISLEYDIS RODRIGUEZ**

**Posted**

Complaint No. 20210716004

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

Property Location: 711 Cypress Ave, Orange City 32763

**Parcel No. 800900000290**

**Zoning: A-3**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Jun 25, 2020

\*Order of Non-Compliance issued at the August 18, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day/per case commencing December 16, 2021 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277.** After Member Needham **SECONDED** the motion, Members Nadeau and Hall opposed, it **CARRIED** by voice vote.

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**CEB2021149 - THOMPSON THERESA L**

**Served**

Complaint No. 20210128016

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(1)(C) Accessory building or structure on lot that does not have a completed principal structure

Property Location: 169 West Loop, Oak Hill 32759

**Parcel No. 950600010810**

**Zoning: MH-5**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on 7-9-21

\*Order of Non-Compliance issued at the August 18, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Fred Eastwood, code compliance, presented the case. Fred went over the case details, showing photos. Fred stated his final inspection was on 11-10-2021 and there has been no change on the property, no mobile home on site and no contact with the owner since the previous meeting.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing December 16, 2021 and to continue until compliance is achieved, but not to exceed \$1,700.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(1)(C).** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021156 – LANDAKER KELLY L**

**Served**

Complaint No. 20210220013

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). Addition, windows, doors, may not be a complete list

Property Location: 33 Alamanda Dr., Ormond Beach 32176

**Parcel No. 420313000170**

**Zoning: R-5**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Mar 27, 2021

\*Order of Non-Compliance issued at the July 21, 2021 hearing:

\*1st Amended Order of Non-Compliance issued at the August 18, 2021 hearing:

**Hearing to Impose Fine/Lien**

David Goodsell, previous owner, was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated that staff received an email from Ms. Landaker with engineered drawings from Zahn Engineering on 9-15-21 but there is still no application in the system. Margaret added there was a RES permit application for the foundation work and it expired on 11-2-21 due to lack of activity. Chairman Lingenfelter asked Mr. Goodsell if he agreed with staff's recommendation of giving one more month to get plans in. Mr. Goodsell said yes, he thinks that's fair.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the December 15, 2021 hearing.** After Member Nadeau **SECONDED** the motion, Member Zahn abstained and filled out form 8B, and it **CARRIED** by voice vote.

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**CEB2021167 - LOWERY NATHAN ERVIN**

**Served**

Complaint No. 20201008019

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

Property Location: Kentucky (Paper), Suite AV, Deltona 32738

**Parcel No. 810404090010**

**Zoning: A-3**

**Environmental Specialist II - Todd Hannah**

Property owner was first notified of the violation on

\*Order of Non-Compliance issued at the July 21, 2021 hearing:

\*1st Amended Order of Non-Compliance issued at the August 18, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Julie McCrystal, Environmental Specialist, presented the case. Julie went over the case details, showing photos. Julie said on 11-1-21 there was contact with the owner and he is working on replanting and the permit has been extended to 2-14-2022.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2), with a Hearing to Impose Fine set for the February 16, 2022 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

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**CEB2021192 – HAYDEN STEVEN**

**Posted**

Complaint No. 20200824064

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

Property Location: 1705 Turtle Hill Rd, Enterprise 32725

**Parcel No. 910901000260**

**Zoning: RREA**

**Environmental Specialist II - Julie McCrystal**

Property owner was first notified of the violation on 7-3-21

\*Order of Non-Compliance issued at the September 15, 2021 hearing:

\*1st Amended Order of Non-Compliance issued at the October 20, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Julie McCrystal, Environmental Specialist, presented the case. Julie went over the case details, showing photos. Julie said on 10-21-2021 we sent additional information request for the utility shed permit. On 10-29-2021 a Stop Work Order was posted during a site inspection for some premature work being done and on 11-9-2021 the plans and requested calculations were submitted and are currently under review. Member Leonard asked if January would be long enough for an amended order. Julie stated she believes it should be enough time.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884, with a Hearing to Impose Fine set for the January 19, 2022 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

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**CEB2021199 - STARKE MICHAELA**

**Served**

Complaint No. 20210503043

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: 1st St, Osteen 32764

**Parcel No. 921804010050**

**Zoning: OTR-1**

**Code Compliance Officer - Isiah Pitts**

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

\*Order of Non-Compliance issued at the October 20, 2021 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of November 11, 2021:

**Hearing to Impose Fine/Lien 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 Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote by the rest of the Board Members.

**CEB2021200 - STARKE MICHAELA**

**Served**

Complaint No. 20210503044

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(1)(C) Accessory building or structure on lot that does not have a completed principal structure

Property Location: 1st St, Osteen 32764

**Parcel No. 921804010050**

**Zoning: OTR-1**

**Code Compliance Officer - Isiah Pitts**

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

\*Order of Non-Compliance issued at the October 20, 2021 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of November 11, 2021:

**Hearing to Impose Fine/Lien 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 Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote by the rest of the Board Members.

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**CEB2021230 - LONG DOUGLAS M**

**Sheriff Served**

Complaint No. 20210420049

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: 1445 Ormand's Jungle Den Rd, Astor 32102

**Parcel No. 582000000084**

**Zoning: A-2**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Apr 24, 2021

\*Order of Non-Compliance issued at the October 20, 2021 hearing:

**Hearing to Impose Fine/Lien**

Edith Guy and Sheryl Love, Complainants, were present at the hearing for this case.

Robert Chayer, code compliance, presented the 5 cases together with Julie McCrystal. Robert went over the case details, showing photos. Robert stated his last inspection was 10-28-21 and there has been no change. Robert added there has been no contact with the owner and no access to the property. Chairman Lingenfelter asked if there was any correspondents with the Sheriff's office and Robert said he has no and thinks they are done with their investigation. Julie stated she has also had not any contact with the owner and her recommendation is the same as Roberts.

Mrs. Love said this property is dangerous to the area, she added they burn plastic and dump sewage. Mrs. Love also added that she noticed this property has a homestead exemption when they should not qualify. Mrs. Love said they she has even called DEP and there was a case started but then closed as they were not able to gain access to the property. Chairman Lingenfelter asked how long this has been going on and Mrs. Love answered at least 3 years. Mrs. Love added she is very concerned with this property and the traffic that goes in and out of that property. She said she is in fear coming to this meeting as she is unclear on what may happen with the people on this property. Chairman Lingenfelter went over the details of homestead exemption fraud. Mrs. Guy stated this is an ongoing problem and she lives in fear because of the drugs and guns that are on that property. Mrs. Guy added they are dumping sewage that's affecting the water supply. Mrs. Guy said the property owner had come to them about rerouting the creek and asked if they would be in bed with them on it and she told him no. She said there have been active shooters, helicopters flying above this property. Member Dwyer asked if the recommendation was for fines to start per case. Robert said yes per case. Member Leonard then made a motion.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day/per case commencing December 16, 2021 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021231 - LONG DOUGLAS M**

**Sheriff Served**

Complaint No. 20210420050

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(1)(C) Accessory building or structure on lot that does not have a completed principal structure

Property Location: 1445 Ormand's Jungle Den Rd, Astor 32102

**Parcel No. 582000000084                      Zoning: A-2**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Apr 24, 2021

\*Order of Non-Compliance issued at the October 20, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day/per case commencing December 16, 2021 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(1)(C).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021232 - LONG DOUGLAS M**

**Sheriff Served**

Complaint No. 20210420052

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

Property Location: 1445 Ormand's Jungle Den Rd, Astor 32102

**Parcel No. 582000000084                      Zoning: A-2**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Apr 24, 2021

\*Order of Non-Compliance issued at the October 20, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day/per case commencing December 16, 2021 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.

**CEB2021233 - LONG DOUGLAS M**

**Sheriff Served**

Complaint No. 20210525044

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

Property Location: 1445 Ormand's Jungle Den Rd, Astor 32102

**Parcel No. 582000000084                      Zoning: A-2**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Apr 24, 2021

\*Order of Non-Compliance issued at the October 20, 2021 hearing:

**Hearing to Impose Fine/Lien**

November 17, 2021

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day/per case commencing December 16, 2021 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021238 - LONG DOUGLAS M**

**Sheriff Served**

Complaint No. 20210707012

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

Property Location: 1445 Ormand's Jungle Den Rd, Astor 32102

**Parcel No. 582000000084                      Zoning: A-2**

**Environmental Specialist II - Todd Hannah**

Property owner was first notified of the violation on Apr 24, 2021

\*Order of Non-Compliance issued at the October 20, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day/per case commencing December 16, 2021 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 Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021240 – BRAMBILA JORGE & BRENDA**

**Served**

Complaint No. 20200923039

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

Property Location: 1723 2nd Ave, Deland 32724

**Parcel No. 700101140190**

**Zoning: R-4A**

**Environmental Specialist II - Todd Hannah**

Property owner was first notified of the violation on

\*Order of Non-Compliance issued at the October 20, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Julie McCrystal, Environmental Specialist, presented the case. Julie went over the case details, showing photos. Julie said on 11-3-2021 they were able to establish contact the new owner and are working with the daughter due to the language barrier, she sent an email with action steps for compliance. On 11-4-2021 there was a site inspection and no new work was observed. On 11-16-2021 the tree removal permit application was submitted.

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2), with a Hearing to Impose Fine set for the February 16, 2022 hearing.** After Member Zahn **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

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**CEB2021252 - WILDER BRANDON M**

**Posted**

Complaint No. 20201116028

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: 1155 10th St, Orange City 32763

**Parcel No. 800401100120**

**Zoning: R-4**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Nov 16, 2020

\*Order of Non-Compliance issued at the October 20, 2021 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of November 1, 2021:

**Hearing to Impose Fine/Lien 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

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

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**CEB2021257 - LANE KENNETH D & KENNETH D SR**

**Served**

Complaint No. 20210129025

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

Property Location: 1326 N Ridgewood Ave, Deland 32720

**Parcel No. 790100000030**

**Zoning: A-3**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Apr 27, 2021

\*Order of Non-Compliance issued at the October 20, 2021 hearing:

**Hearing to Impose Fine/Lien**

Kenneth Lane was present at the hearing for this case.

Robert Chayer, code compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert stated his last inspection was on 11-15-21 and there was a chain on the gate so he was unable to make access, but he was able to see that there was progress made on the property. Chairman Lingenfelter asked Mr. Lane what progress he has made sent last month. Mr. Lane stated he has taken some stuff off the property to the scrap yard and is continuing to work on it.

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241, with a Hearing to Impose Fine set for the February 16, 2022 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2021258 - LANE KENNETH D & KENNETH D SR**

**Served**

Complaint No. 20210129029

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: 1326 N Ridgewood Ave, Deland 32720

**Parcel No. 790100000030**

**Zoning: A-3**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Apr 27, 2021

\*Order of Non-Compliance issued at the October 20, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, Chapter 58, Health & Sanitation SEC. 58-36, with a Hearing to Impose Fine set for the February 16, 2022 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

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## **X. Hearings and Presentation of Filed Notices of Violations**

**CEB2021282 - SMITH JOHNSON KIMBERLY M**

**Posted**

Complaint No. 20210615018

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III DIVISION 6 SECTION 72-698 Obstructions placed in the County right of way, causing a traffic hazard

Property Location: 6489 Turtle mound Rd, New Smyrna Beach 32169

**Parcel No. 850501330710**

**Zoning: R-9W**

**Engineering Inspector – Dave Eaker**

Property owner was first notified of the violation on Aug 14, 2021

Kimberly Smith Johnson was present at the hearing for this case.

Dave Eaker, Engineering Inspector, presented the case. Dave went over the case details, showing photos. Dave stated Turtle mound Road is classified as a county thoroughfare arterial roadway with a posted speed limit of 45 mph. Dave said the property owner performed work in the county right of way without an approved Use permit. Dave showed photos of the gravel that was put in the right of way. Dave stated that an advisory notice was first sent on September 25, 2020. On November 2, 2020 there was a site visit and there was no change to the violation and no permit application was received. A 2<sup>nd</sup> advisory notice was sent on 11-12-2020 via certified mail. On 2-12-2021 another site visit was made and there was still no change and no permit application received. A notice of violation was sent to the property owner on 7-13-2021 and was returned as unclaimed, and on 7-15-2021 the NOV was posted at the property. This was referred to Code Board on September 21, 2021 and the notice of hearing was sent and returned as unclaimed by the post office. The property was then posted on September 23, 2021. Chairman Lingenfelter asked Dave if it is his testimony that the gravel is not permitted. Dave said yes. Chairman Lingenfelter then asked if the gravel would be able to be permitted. Dave said no. Sabrina Slack, County Attorney, added the gravel in the right way causes an unsafe condition that if traffic were to veer over into the gravel, it would cause an issue. So it's not a permitted thing to be in the right way. Member Zahn asked, the solution is to remove the gravel and restore it to some type of sod. Dave said yes in the entire right of way and added that it would have to have grass and or seed. Kimberly stated she bought the house in April of 2019 and there was no irrigation or sprinkler system. She pointed out the huge rocks in one of the photos and said they were all over the place and it was like a jungle. Kimberly said she works in Colorado and during the pandemic she came home and was bored and decided to re-landscape the whole front of the house, she even got 3 estimates from landscapers, but they couldn't get out there for months to do exactly what she had done. Kimberly added that she had spent thousands of dollars to do this back breaking labor and added that if someone would have veered off the road before it would have been a worse situation with the big boulders that were in the yard. She added that she knew it was an easement but had the understating nothing could be put there that was permanent. Chairman Lingenfelter asked if she placed landscape fabric down and how thick the gravel was. Kimberly said yes and it was 6 inches. Member Zahn asked if the Coquina rocks in the picture were in the right of way. Dave said they were close. Member Zahn said it's from there to the edge of the pavement and asked if it is required

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to pull a permit to remove the rocks. Joey Spiller from Development Engineer said our ordinance does require grass and seed mulch can be used, but it has to be established grass. He added as far as the rocks in the edge of the road the problem is migration, this is a hazard. Joey said that he has no problem with leaving the coquina rocks and only removing the smaller rocks. Kimberly asked if a permit would be needed. Joey said if you're looking at trying to get a contractor to do the work that it would be best if you let them secure a Use permit for them to be active in the right of way. Kimberly then asked if she does it herself. Joey said she can get with Dave and discuss it and if he can accommodate that since we are here.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE III DIVISION 6 SECTION 72-698 With a compliance date of February 10, 2022 and a Hearing to Impose Fine is set for the February 16,2022 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2019092 - ROSS TIMOTHY CHARLES**

**Posted**

Complaint No. 20180816051

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). Have built a shop as well as put in/put up a pool. Is living in shop. Has converted into living quarters. This may not be a complete list

Property Location: 2795 Big John Dr., Deland 32724

**Parcel No. 613001070280                      Zoning: A-1**

**Code Compliance Coordinator - Margaret Godfrey**

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

There was no one present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated on 8-14-2018 staff received a complaint about the pole barn that had been converted to living space as well as a pool being constructed without permits. On 8-16-21 research and inspections justified the complaint. Property Appraiser has had the pool assessed since 2013 and the SFR since 2010. On 9-17-2018 the Notice of Violation was posted on the property. On 9-26-2018 staff received a call from Mr. Ross who explained that he hired EPI engineering to proceed with the plans and permits and that he hired Efird Surveying to get the survey completed. On 5-21-2019 a variance was granted due to the principal structure being in the setback. On 7-20-2020 the RES permit Application was submitted and the permit was issued on 4-26-2021 and expires on 4-18-2022. Margaret added that she has had to call EPI to ask what's going on, she has had no further contact with Mr. Ross. Margaret added that Mr. Ross is very last minute meaning that when it the final day for something that's when he calls and this has been going on for 3 years so now it's here at the Board.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 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 April 18, 2022 and a Hearing to Impose Fine is set for the April 20, 2022 hearing.**

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

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**CEB2020030 - CASTANEDA FELIX & FACUNDA**

**Served**

Complaint No. 20200106046

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: 110 Wiley Ave, Deland 32724

**Parcel No. 700304000290**

**Zoning: R-3A**

**Code Compliance Officer - Robert Chayer**

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

There was no one present at the hearing for this case.

Robert Chayer, code compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert stated on 1-29-2020 the certified notice of violation was received for the lot maintenance case and on 11-8-2021 the certified notice of violation was posted for the junk yard case along with the notice of hearings. Robert said his last inspection was on 11-15-2021. Robert said he has had no contact with the owner. Member Leonard asked if that was a tarp on the roof from the photo on slide 3. Robert said yes that does look like one and we might be seeing this again at code board.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances Chapter 58, Health & Sanitation SEC. 58-36 With a compliance date of December 3, 2021 and a Hearing to Impose Fine is set for the December 15, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021302 - CASTANEDA FELIX & FACUNDA**

**Served**

Complaint No. 20210712032

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

Property Location: 110 Wiley Ave, Deland 32724

**Parcel No. 700304000290**

**Zoning: R-3A**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Oct 5, 2021

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a compliance date of December 3, 2021 and a Hearing to Impose Fine is set for the December 15, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021121 - HOPTON ERIC****Posted**

Complaint No. 20200916063

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). There are several structures on this property that were built without evidence of the required permits and inspection approvals, including in ground pool, large pool house, carport, garage, additions to the single family residence as well as additions to the pool house structure, may not be a complete list.

Property Location: 1309 Duroc Dr., Lake Helen 32744

**Parcel No. 713200000070****Zoning: A-1****Code Compliance Officer - Isiah Pitts**

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

Eric Hopton was present at the hearing for this case.

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated the property was first observed on 9-16-2020, he posted a notice of violation on 3-23-2021 and posted the notice of hearing on 5-5-2021. Isiah stated his last inspection was on 11-17-2021. Isiah said at that time he had no contact with the owners and at this time there is still no permit on file. Isiah said he has had no access to the property. Chairman Lingenfelter asked what structure the violation was for. Isiah said it is all the structures, pool, cabana, the roof. Isiah did say that the house was permitted but not the additions. Member Zahn asked Mr. Hopton if he had architectural drawings. Mr. Hopton said he has been building since he was 14 and built this house when he was 20. Member Zahn asked if he built it as he went along and if he had plans. Mr. Hopton said no he built it. Member Zahn said the reason he asks is because part of the after the fact permit process is having a set of drawings prepared by an engineer and architect sealed by them. Member Zahn added that the fact that he is the builder is going to be helpful because he knows what the footers, connectors, load path, electrical. Mr. Hopton said it is built up to code and the addition was actually a storm cellar that was built after the tornado hit downtown. Member Zahn asked if this was his homestead. Mr. Hopton said yes. Member Zahn said he would be able to pull the permit but would need to get with engineer. Mr. Hopton said he plans to reach out to Michael Price at CPA but the issue will be timing. Chairman Lingenfelter asked what Isiah's recommendation was. Isiah said a finding of non-compliance with a compliance date of 12-10-2021 and hearing to impose fine on 12-16-2021 and added that since this is my first time meeting him we would like to work with him. Isiah asked Mr. Hopton how much time he thinks he would need. Mr. Hopton said a year as engineers are extremely busy. Member Zahn recommended 3 months. Member Zahn made the motion and added that he should have an electric certification within 10 days. Kerry Leuzinger said that we don't do the 10 day certification anymore and that he suggests in this case that an electrical contractor needs to apply for the permit and then we would determine what type of permit that is, we will go in and look at the system to make sure it is up to code and all requirements are met a final inspection can be requested. Kerry added once the permit is applied for we can then setup a prevention inspection and that in a case like this a lot of the finishes are going to have to be removed so that we can see and determine what's there. There was discussion on the timeframes of the motion and what could happen at the next meeting as far as

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amended orders.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 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 February 10, 2022 and a Hearing to Impose Fine is set for the February 16, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021180 - JONES JAMES W & CELIA**

**Served**

Complaint No. 20210128012

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

Property Location: 5625 Burts Park Rd, Deleon Springs 32130

**Parcel No. 694001000213**

**Zoning: A-3**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Feb 10, 2020

James Jones was present at the hearing for this case.

Robert Chayer, code compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert stated the certified notice of violation was received on 2-10-2021, he posted the notice of hearing on 11-8-2021 and his last inspection was on 11-15-2021. Robert added he has had contact with the owner and he does have some issues and troubles getting hired people to come in and help out with certain things and would let him speak to that. Mr. Jones said he hired people to come and help clean up the property, they took the money and didn't do the work. Mr. Jones said he physically can't do it himself and has had a hard time getting people to help. Chairman Lingenfelter asked if he would have it mowed down before Christmas and let him know there may be services downstairs that can help too.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a compliance date of January 18, 2022 and a Hearing to Impose Fine is set for the January 19, 2022 hearing.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021181 - JONES JAMES W & CELIA**

**Served**

Complaint No. 20210129042

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: 5625 Burts Park Rd, Deleon Springs 32130

**Parcel No. 694001000213**

**Zoning: A-3**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Dec 10, 2020

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances Chapter 58, Health & Sanitation SEC. 58-36 With a compliance date of January 18, 2022 and a Hearing to Impose Fine is set for the January 19, 2022 hearing.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021182 - CHRISTIAN HEALING CENTER INC**

**Served**

Complaint No. 20201027051

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). Converting an unfinished garage in to usable space with an office, new roof on the garage, structural garage door replaced with residential door, may not be a complete list.

Property Location: 1120 Saul Rd, Pierson 32180

**Parcel No. 581100000209                      Zoning: A-1**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Feb 26, 2021

There was no one present at the hearing for this case.

Robert Chayer, code compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert stated the certified notices of violation were received on 2-26-2021 and the certified notice of hearings were received on 6-21-2021. Robert said his last inspection was on 8-3-2021. Robert added he has had minimal contact with the owner but they did have a meeting with zoning and building to get a game plan together for them. Robert also added that everything that was told to them that needed to happen hasn't. There are no permits to date.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 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 December 3, 2021 and a Hearing to Impose Fine is set for the December 15, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021183 - CHRISTIAN HEALING CENTER INC**

**Served**

Complaint No. 20201027050

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Use where not permitted in A-1 zoning. There is a retreat/chapel on premises with no change of use in the system

Property Location: 1120 Saul Rd, Pierson 32180

**Parcel No. 581100000209                      Zoning: A-1**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Feb 26, 2021

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a compliance date of December 3, 2021 and a Hearing to Impose Fine is set for the December 15, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021187 - Richard C and Karen J Gilman**

**Posted**

Complaint No. 20210303082

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). Outbuildings

Property Location: 1310 Duroc Dr., Lake Helen 32744

**Parcel No. 713200000065**

**Zoning: A-1**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on May 18, 2021

There was no one present at the hearing for this case.

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated the property was first observed on 3-3-2021, on 5-5-2021 the certified notice of violation was posted and on 7-12-2021 the notice of hearing was posted. Isiah stated his last inspection was on 11-17-2021 and at this time there are no permits on file and he has had no contact with the owner. Chris Hutchison said that he received an email this morning from the owners asking for a continuance as they have been sick and were unable to come in today. After discussion it was decided to issue the Order of Non Compliance.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 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 December 10, 2021 and a Hearing to Impose Fine is set for the December 15, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021271 - SOVALL MANAGEMENT GROUP LLC**

**Served**

Complaint No. 20210811038

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: 1534 Lakeside Dr., Deland 32720

**Parcel No. 792302000110**

**Zoning: R-3**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Aug 11, 2021

There was no one present at the hearing for this case.

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated the property was first observed on 8-11-2021 was posted the notice of violation on that date. On 9-21-2021 the notice of hearing was posted. Isiah said his last inspection was on 11-16-2021 and it is still in violation. Isiah added that he has not had any contact with the property owner, but they have pulled a roof permit. Isiah said the fence is laying down and disrepair so anyone can access this property, the door is not secure and on 11-3-2021 the door is completely gone.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 58, ARTICLE I SECTION 58-3 With a compliance date of December 10, 2021 and a Hearing to Impose Fine is set for the December 15, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021312 - LOS DIAZ PROPERTIES LLC**

**Served**

Complaint No. 20210909006

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: 415 E Country Circle Dr., Port Orange 32128

**Parcel No. 720102001030**

**Zoning: RC, RR**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on Oct 4, 2021

Mr. Felipe Cruz was present at the hearing for this case.

Debbie Zechnowitz, code compliance, presented the case. Debbie went over the case details, showing photos. Debbie stated this case involves a single family residence with fire damage and an accessory structure with roof damage. The notice of violation was received on 10-4-2021. Debbie added that an incident report indicated the fire occurred on June 13, 2021 and it was determined the fire started in the bathroom at ceiling level. It burnt through the attic area, down into the bathroom and into the garage. There is smoke and water damage throughout the house. Debbie said on October 8, 2021 staff verified that the electric had been disconnected on June 14, 2021. On October 15, 2021 Debbie received a call from Mr. Felipe Cruz Jr. who wanted to know how to comply. Debbie told him to find a contractor to obtain the permits to repair the house, which he stated he would start working on that. Debbie said on November 8<sup>th</sup> Paul Traider had responded to a call about work being done to the house, no permit applications had been received therefore a stop work order was posted that day. Paul instructed them to perform only cleanup, protection of life safety and to tarp/protect the open roof and that no further work should be occurring before a permit is issued. Mr. Cruz stated he has found a contractor and is working on drawings and plans to submit for a permit on Monday. There was discussion about the process of permitting and getting updates and amended orders at the next meeting.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 58, ARTICLE I SECTION 58-3 With a compliance date of December 10, 2021 and a Hearing to Impose Fine is set for the December 15, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021315 – BRAUNSTEIN JORDAN & NGUYEN ELAINE**

**Served**

**\*\*\* Repeat Violation\*\*\***

Complaint No. 20211008072

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Hotel/Motel where not permitted and use of premises where not permitted.

Property Location: 122 Ocean Grove Dr., Ormond Beach 32176

**Parcel No. 322104000330 Zoning: R-4**

**Code Compliance Officer – Peter Hinson**

Property owner was first notified of the violation on Mar 31, 2021

Karen Pillar, Complainant, was present at the hearing for this case.

Peter Hinson, code compliance, presented the case. Peter went over the case details, showing photos. Peter stated he received the complaint on March 31<sup>st</sup> and on that date he went to the property and there was a vehicle from Virginia and as he approached the property the renters were there and he asked if they were the property owners, they told him no, that they were renting through the weekend. Peter then sent an advisory notice. Peter stated at that time he did not have a link to see any bookings. Peter added later on Ms. Pillar provided him with the link <https://www.airbnb.com/rooms/21826943> and as he investigated he was able to see that date was booked on March 31<sup>st</sup> along with all the other dates in his presentation. Peter showed screenshots from Airbnb that show 2 documented stays in March, 2 stays in July, 4 stays in August and 2 stays in September. Peter said on October 20, 2021 he posted the notice of hearing along with the notice of violation. Peter added we did receive an email back in April that he received the advisory notice and through his attorney basically saying if we touch the property or knock on the door we will be trespassed. Peter stated he had the notices Sheriff served to the residence as well as certified mail to the Colorado address. The sheriff's office was unable to serve the documents stating they could not physically give them to him because he wasn't present, Peter then posted them in the right of way. Chairman Lingenfelter asked if confirmation was received that they received the notices in Colorado. Peter said yes we received the green cards back. Peter said he did an inspection on Airbnb on November 2<sup>nd</sup> and it then showed 3 documented stays in October. Peter then showed a slide from Airbnb that's shows the calendar being blocked out 2/3 weeks and he has a window where he advertises a 2 night minimum stay. Peter then showed an availability calendar that shows that he has December through most of 2022 blocked out, but in November when he first checked the calendar the last 3 days of November were blocked out and now they were available which appears to Peter they he's trying to squeeze some rentals in at a 2 night minimum. Peter than said at this point staff is recommending a finding of non-compliance and a one-time fine of \$15,000.00 and said there are witness here. Chairman Lingenfelter said that we do have the affidavits and they were read. Sebrina Slack said she would like to call the witnesses to come forward and identify themselves and verify the affidavits are true and correct.

Joseph Vojtko said all the information in his affidavit is true and correct.

Karen Mantone-Pillar said that her affidavit is true and correct and would like to emphasize a few things, she stated she has appeared at these hearings a number of times about this property on July 18, 2018 Jordan was found to be non-compliant, yet he

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continued to rent for short periods of time. In July of 2019 he was charged with the first repeat offense, which she testified and he was fined \$5,000.00 and then in 2020 he requested a reduction and she testified via zoom that he was still continuing his business, now it's 2021 and aside from a few months during the Covid outbreak Jordan has continued to rent the property for anywhere from a few days to a week during the past 3.5 years. She stated there is occasional monthly rentals but not often maybe 2-3 times a year. Jordan makes an average of \$2,000.00 per week depending on the season and the house is rarely vacant, that comes to over \$100,000.00 a year renting this property short term, a \$5,000.00 fine is a small price to pay to make \$100,000.00. Karen said that in the past Jordan has sent threatening letters to her, her husband and an older neighbor who has since passed, in the letter he demanded that any complaints filed with the County be immediately withdrawn, he stated that we were interfering with the business relationship, he accused us of lying and threatened us with jail time. Karen said that during the first hearing Jordan was so hostile towards her the deputy here insisted on walking us to our car. Chairman Lingenfelter said he does recall what she is summarizing from a previous hearing. Alan Pillar stated his affidavit is true and correct and wanted to emphasize that this is ongoing, 3 day, 7 days and when they left this morning to come here there was a cleaning crew there because they are preparing for another rental and is sure when they get back home there'll be somebody new there. Member Hall said the recourse because it's not a homestead is the fine accumulate and the County can foreclose on it. Member Dwyer asked if we could in addition to impose a daily fine. Sebrina Slack said no, it's the one time fine or a daily fine, you can't stack them together on top of each other. Sebrina added that if there was a daily fine we couldn't foreclose until it was a final fine. Member Dwyer stated given the history here he didn't think the \$15,000.00 would be sufficient in his opinion. Charlie Cino that said the max we can do is \$15,000.00. Member Zahn asked how often can you bring a case back. Sebrina said if we get another reportable violation, then we can bring it back as another repeat fine and impose another \$15,000.00 fine and it can go into a cycle of each time there's a violation.

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order of Non-Compliance and Order Imposing Fine/Lien with a one-time fine of \$15,000.00 for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021338 - SMITH TAMMY & WILLIAM**

**Posted**

**\*\*\* Repeat Violation\*\*\***

Complaint No. 20211012022

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Hotel/Motel where not permitted and use of premises where not permitted

Property Location: 7035 S Atlantic Ave, New Smyrna Beach 32169

**Parcel No. 850501180350**

**Zoning: R-9W**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on Oct 12, 2021

Tammy Smith was present at the hearing for this case.

Fred Eastwood, code compliance, presented the case. Fred went over the case details, showing photos. Fred stated on 10-12-2021 he had received an email from John Rappold concerning a vacation rental and provided an affidavit. Fred sent the notice of violation. Fred said on 10-19-2021 he received another complaint that there were possible new renters on the property. Fred went to the property and spoke to the new renters from Louisiana and they stated they rented the property online and arrived Monday the 18<sup>th</sup> and were leaving on Friday the 29<sup>th</sup>. Fred set the case as a repeat violation for code board on 10-20-2021. On 11-12-2021 he received a voicemail from the property owner and he called her back to explain the new violation. Fred then showed photos of documented statements on Airbnb and VRBO. Chairman Lingenfelter asked Fred if he had a witness and Fred said yes, John Rappold. Mr. Rappold said there are numerous people that have been watching this house and others. Mr. Rappold said that most of the houses that were doing short term rentals are now in compliance but there are still 12 to 15 people that continue to do this because no one is getting fined for any of this. He added that this house and others continue to have a week turn over. Mr. Rappold said that they have talked to a few people and added they don't go up to the house but if they see them in the driveways they will go ask if the property is a vacation rental and then ask about it. He said the renters will tell them about it and how long they are staying. Mr. Rappold said he's been watching this house and there was a lady there that immediately said they were there for 30 days, so he thought they were being coached to say that so they kept watching it, there was a car there for 2 weeks and they haven't seen it since. There was discussion on what happened with County Council and the short term rentals issue. Sebrina Slack asked Mr. Rappold if the 2 affidavits were prepared by him and if everything was true and accurate. Mr. Rappold said yes. Mr. Rappold said there is another gentleman watching this as he walks in front of this property 4 times a day walking his dog and keeps track of everything going on there. Mr. Rappold said he is willing to testify also. Chairman Lingenfelter asked Fred if he had anything else to add. Fred said we do have photos that Mr. Rappold took in reference to his affidavits. Sebrina Slack asked Mr. Rappold if he could tell us when the pictures were taken and what they are of. Mr. Rappold stated the first photo that was shown was taken on the day that she was here for Code Board and after he listened to it on the computer he happened to drive by and there was a gentleman getting out of one of the SUV's and Mr. Rappold asked him if this was a vacation rental or if he knew of any vacation rentals, the gentleman told him this one is. Mr. Rappold asked if he could tell him about it and he told him they were 4 families and they were staying there

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for 1 week. Mr. Rappold asked how much they were paying and he was told one thousand dollars per family for the week. Mr. Rappold said this was the same day that she was in here saying that she was not renting. The next photo showing vehicles, Mr. Rappold said there happen to be 3 ladies standing in the driveway when he went by and he stopped to ask if it was a vacation rental, they told him it was and was very nice. Mr. Rappold asked if they could tell him about it and they stated it was a 3 bedroom with a room downstairs and could sleep a lot of people. Mr. Rappold then asked how much it was going for, they replied the city doesn't want you to rent it for less than 30 days but they were allowed to stay for 5 days at \$310.00 per day. Mr. Rappold added that they do not go up to doors and knock but if they do see them outside they stop to ask. The last photo showed Dr. Smith's vehicle and was taken this morning but Mr. Rappold said there was a Nissan Rouge there for 2 weeks prior. Dr. Smith said that she wasn't told what they would be presenting but wasn't concerned because hasn't had less than 30 days. Dr. Smith spoke about the last meeting and not being told she didn't have to be here as she had spent numerous hours on airfare and rental cars, and added that one of the cars in photo was probably the rental car she had when coming down for the meeting in September. Dr. Smith said regarding the current questions, she had called Mr. Eastwood twice and sent an email, which she provided a copy to the dais. Dr. Smith added that Mr. Eastwood did call her back saying the only reason he was calling her was so she couldn't report to the board that he didn't call her back. Dr. Smith told him that she had a 30 day stay during that period and has documentation from VRBO and can provide that documentation. Dr. Smith said Fred told her no, that we're not interested in that and you're going to have to present that in front of the Board. Dr. Smith passed out copies of the document to the dais. Dr. Smith added that generally when people book, most frequently it is someone who lives locally and they are having family come to town. Dr. Smith said in this example they had parents, grandparents, and children coming in and that it was a 30 day booking for that period. Dr. Smith then asked if one of them was for August. Chairman Lingenfelter stated that we have an affidavit from Mr. Rappold that is on or about October 9<sup>th</sup> and Mr. Rappold spoke to this \$310.00 per day for 5 days and the information she handed out was for September 16<sup>th</sup> to October 16<sup>th</sup>. Chairman Lingenfelter said he is unsure if they are talking about the same rental, which according to her information started September 16<sup>th</sup> to October 16<sup>th</sup> or was it October 9<sup>th</sup> to October 14<sup>th</sup> based upon those five days that are stated here. Dr. Smith said she doesn't know and all she knows are the bookings she has and can't go into conjecture or on an affidavits of people driving by and looking at license plates and seeing my car and taking photos. Dr. Smith said she can provide documents for a stay from August 14<sup>th</sup> to September 13<sup>th</sup> if that would be helpful. Chairman Lingenfelter said anything she can provide would be helpful as these are the most difficult types of cases when gathering information. Chairman Lingenfelter asked for the booking on VRBO did you rent it to anybody else during that time period. Dr. Smith said absolutely not and added that you can't because when you use VRBO it blocks it off on the calendar and added that Airbnb and VRBO share calendars so it would show blocked off on both during that time. Dr. Smith added that Fred said something about Louisiana, but they lived in Florida and she now wonders if Fred went to a different house. Fred stated no he was at Dr. Smith's property and they had a Louisiana tag there, Fred also added that if she had told him she had documents he would have told her to send them

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in and would not have told her to come all the way down here. Fred added that the issue never came up that she had documentation, she only wanted to know what the violations were about. Dr. Smith said that is 100% not true and that she has email documentation that was passed out to the dais. Fred said he stands by what he just said. Chairman Lingenfelter pointed out how we provide Webinar and that she could participate remotely and that she could have mailed the documents or scanned and emailed them. Margaret Godfrey asked about the 2 reviews from July and the booking from that month. Dr. Smith stated that it is not unusual for 2 reviews in July as she doesn't only book the 1<sup>st</sup> to the 31<sup>st</sup>. Member Leonard asked what her rental is for right now. Dr. Smith said she has a couple from France and they are renting for the month but their goal is to find a home and she specifically told them they could rent upstairs, so she can be downstairs because of these things. Member Leonard then asked you have someone coming in November 1<sup>st</sup> through December 1<sup>st</sup> as your documentation and then you have someone else coming December 2<sup>nd</sup> for the month. Dr. Smith said December 1<sup>st</sup> and that she is booked for December, January, February and March. Member Leonard asked if it was for 30 days exactly. Dr. Smith said no, one is 60 but it is 30 days or more. Sebrina Slack then asked Dr. Smith if she just testified that she is renting the upstairs and downstairs separately as a duplex. Dr. Smith said No, she did not. Sebrina then asked if she just said the couple from France was residing upstairs and that you are residing downstairs and that's the term of rental? Dr. Smith said she is not renting. Sebrina said you're not renting but your living downstairs and they're living upstairs, correct? Dr. Smith said she does that quite frequently because it costs more to clean upstairs and downstairs. Sebrina then said so you use this property as a duplex. Dr. Smith said I never rent the downstairs. Sebrina then said but you reside downstairs while you're renting out upstairs separately as a duplex. Dr. Smith said this is the only occasion she's been there. Sebrina then asked so right now for the next 2 months you're going to operate this property as a duplex. Dr. Smith said that's not correct. Sebrina then said, you just said you're going to rent the upstairs separately from the downstairs so that you can reside downstairs when you wish to. Dr. Smith said she did not just say that and if that's how it was implied, that was not correct. Sebrina then asked about the document she provided for the couple from France and if it were for the entire residence. Dr. Smith said let me explain what I do and you can answer as you are the lawyer and I am not. Dr. Smith said I have a home, I only rent my home to one group at a time, I have never rented my home to more than one and I have a cleaning crew that charges me more if they clean both floors versus one floor, I then tell the individuals, if they are not going to use the downstairs, I give them the same discount I pay, so it would be \$50.00 if they don't have to clean downstairs, so she will tell the individuals they can use the upstairs only and no one will be downstairs. Dr. Smith added that in this individual case, the people are renting from France, they are looking for a place to stay and a home to buy. Dr. Smith said they contacted her and she is unsure if they will be back the rest of the month because they have found a home to buy. They leased for the entire month and she has the lease for the entire month and she does not expect them back. Sebrina asked again, this document you stated they are renting the upstairs, Are they only renting the upstairs, yes or no? Dr. Smith said she explained it, and added you're a lawyer, tell me how you interpret that. Sebrina then said I'm interpreting it as you being evasive and not answering my question because the

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answer is yes, you said they were renting upstairs, yes or no, so that you could be downstairs today. Sebrina said that's what your previous testimony was, correct. Dr. Smith said, I did not, I rented upstairs' only to save the fees, I did not do it so I could be downstairs, if that's what I said, that's not what I implied. Sebrina asked are you currently living downstairs while they are living upstairs. Dr. Smith said I am downstairs. Sebrina then asked as to the 2<sup>nd</sup> document provided in this payment agreement, you have blacked out the rental rate, what is your average rental rate per day for a 30 day rental. Dr. Smith said it is not a thousand dollars per family. Sebrina asked if it was less than \$200.00 for a daily rate for a 30 day rental. Dr. Smith said she didn't think it was relevant to this discussion and that the rate depends dramatically from time to time. Sebrina added that looking through her redaction, it appears that you rented this property for approximately \$3, 555.00 for a month, that's \$182.00 per night and she wants to confirm whether or not that's correct, because this appears to say \$3, 655 for an entire month on the beach. Dr. Smith said she has rented it at that rate and lower. Sebrina then asked you have rented it at that rate and lower for 30 days. Dr. Smith said yes. Member Leonard stated she was ready for a motion and if anyone would argue that. Chairman Lingenfelter told her no, go ahead. Dr. Smith then added the code board's goal is to have the county to be a beautiful county. She added I have seen this group and what they have done to our community and within my home I can go seven houses away just 2 or 3 houses in each direction and most of the original homes are being sold, because they're being harassed and they're being knocked down and the person who's heading this is a developer and I talked to him. And he developed the home that's just 2 houses down. There's another house right across the street, another house 2 houses down, I have seven new homes being built within a one block distance of my home and most of it is because the original homeowners like myself, like my neighbor to the north and south are being harassed with things which are just plain, not correct. Dr. Smith said she testified last time and explained how she was making all her reservations for 30 days. Dr. Smith said she can provide the ones book from now until April and they are all 30 days. Mr. Rappold said this is false, if she rented the place for \$3,000.00 a month that place would be rented every day on beachside right there. Mr. Rappold said that is a weekly rental she has right there for \$3,000.00. Mr. Rappold said we've talked to people, it's not just taking pictures of cars, when we see the people we ask them and they tell us, some of them are being coached now to say they are there for 30 days, but the last ones were not there for 30 days, they were there for 2 weeks, they are not there anymore. Member Zahn then said I'm wondering if that 30 day period, they were there for two weeks, and then there was nobody there for the next two weeks or further. Mr. Rappold said this one took place the beginning of November and they have not been seen since this past Saturday. Mr. Rappold said they asked a lady that was on the balcony if it was a rental and immediately she said, I'm here for 30 days. Mr. Rappold said he called Fred and Fred went there and talked to everybody that I've talked to and he had the same statements that I had. Dr. Smith said that is because every time I have a booking, the first thing I tell them is, you must realize that when you are there at the house, someone will go to you. Someone will ask you how long you are staying, this will happen, and she has people cancel because they are worried about being harassed. Dr. Smith said she does tell people before they book that they will be contacted by Code Enforcement, it doesn't matter how long you're going to be there, but

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they will knock on the door and they will talk to you and they might be neighbors. Dr. Smith added she does tell people that they need to tell the truth, which is the length of the lease and how long they are staying. Fred added that in reference to Mr. Rappold comment on people being coached. Fred stated he went by that residence, he did speak to the renter. Fred added that his first question was and always is, Are you the renter or are you the owner, and before he could say anything else she said I'm the renter, I'm here for a month to two months, and that was it she shut the door. Fred said with that he just turned around and walked away. Fred added that the car was only there for a week and half to 2 weeks and hasn't been seen since. Member Leonard then asked for either of you that have spoken to the renter, she just testified that they were from France, did they have a French accent and did they only speak French. Fred said the ones from France haven't arrived there yet. Member Leonard said she told me they were there for November to December. Dr. Smith said before they answer the name is James Sullivan, so I doubt they have a French accent. Member Leonard said she was just checking because she stated they were from France. Dr. Smith said they are coming from France and that their mother lives in the New Smyrna Beach area. Dr. Smith then added that she has a recording on her phone. Sebrina said her phone would then become evidence. Chairman Lingenfelter asked her to summarize what the recording is of. Dr. Smith said from mid-October to the end of October, she had 2 friends staying, and said that someone came to the door with badges on and asked them if they were the renter or the owner, they said neither we are friends, they were then asked how long they were staying and they said 2 weeks. Dr. Smith said they are her friends from Miami and they did not pay rent because they are her friends and that's the recording she has on her phone. Fred asked Dr. Smith if she said they were from Miami and Dr. Smith said they live south of Miami and Fred said the ones that he spoke to were from Louisiana. Member Leonard said she had one more question before she makes her motion and that is if her friends stayed upstairs or downstairs. Dr. Smith said they stayed upstairs, because that saved on cleaning. Member Leonard then asked there was no one renting during that time upstairs or downstairs. Dr. Smith said right. Member Leonard then made the motion of an Order of Non Compliance and impose a one-time fine of \$15,000.00 Dr. Smith said again she did not rent for less than 30 days and will do something because this is not right. Chairman Lingenfelter said he is opposed because he can't differentiate the affidavit from Mr. Rappold with the October 9<sup>th</sup> versus the Airbnb booking for the same period, it could have been the same people, I'm not sure that they're separate. Vice-Chair Hall said he agreed and was also hesitant on a \$15,000.00 fine. A Roll Call vote was taken... Pete Zahn - Aye, Andrew Hall – Nay, Clement Nadeau – Aye, Rick Dwyer – Aye, Chad Lingenfelter – Nay, Vikki Leonard – Aye. Chairman Lingenfelter said motion passes 4/2. Sebrina then explained the appeals process to Dr. Smith.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order of Non-Compliance and Order Imposing Fine/Lien with a one-time fine of \$15,000.00 for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Dwyer **SECONDED** the motion, Member Hall and Chairman Lingenfelter Opposed, it **CARRIED** by voice vote.

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**CEB2021344 – DIETZEL CHRISTINA MICHELLE**

**Served**

Complaint No. 20211005006

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). 2 sheds, carport, interior renovations, roof, AC, may not be complete list.

Property Location: 206 Evergreen Ter. Deland 32724

**Parcel No. 603812000280                      Zoning: MH-5A**

**Code Compliance Officer – Margaret Godfrey**

Property owner was first notified of the violation on Oct 27, 2021

Christina McDaniel was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated this case is for 2 sheds, a roof, AC, front deck, backstairs and the carport that was in the back has been relocated. Margaret said that she received a phone call from a contractor that stated the 2 sheds and carport had been removed, however the other items needed to be addressed. Margaret added on October 27<sup>th</sup> a realtor for the buyer of the property had come into the office asking questions about the sheds with no permits. Margaret then researched the property and the other items were discovered, she explained to the realtor that the violation would stay with the property and not the property owner. Margaret then spoke to the current property owner and explained what would need to be done for permitting to bring the property into compliance. Margaret showed photos of the carport and sheds along the fence. Christina said that the carport was moved back to the middle of the yard and does have a permit and added the older shed has a permit but not the new one and that it was being removed from the property tomorrow. Margaret explained that the original permit for the carport was in the middle of the yard and that once they moved it they would have needed to get another permit for that, regardless of them putting it back to where it was originally. Christina said she does have a general contractor and engineer, she added that the engineer was there yesterday for the front steps and she is actually paying the payment for those today. The GC will be pulling a permit for all the work. Christina added that she purchased the home in February and all they did was the front stairs and fence and was unaware of any of this until she listed the home for sale. Margaret then showed photos of the roof as well. Christina added that she has let the new purchasers' know she will be reliable for all of these things to get taken care of as they are closing tomorrow. Christina said she is putting money into an escrow account and stated again she wasn't aware of any of this until they put the home up for sale.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 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 12, 2022 and a Hearing to Impose Fine is set for the January 19, 2022 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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## **XI. Requests for Discussion of Accumulated Fines**

**CEB2012120 - NICHOLAS MILSTEAD**

**Posted**

Complaint No. 20120924031

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

Property Location: 1710 Pine Ave, Deland 32724

**Parcel No. 603507000230**

**Zoning: R-4**

**Building Compliance Officer – Margaret Godfrey**

Property owner was first notified of the violation on Sep 25, 2012

\*Order of Non - Compliance issued at the January 15, 2014 hearing:

\*Final Order Imposing Fine Lien issued at the February 19, 2014 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of August 25, 2021:

\*Order of Compliance issued at the September 15, 2021 hearing:

**Request for Discussion of Fine/Lien of \$10,000.00**

Nicholas Milstead was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret went over the timeline of events for the case. Margaret stated the permit was reopened on 8-11-21 and finalized on 8-25-21 bringing the violation into compliance. Margaret said staff was recommending the fine stay at \$10,000.00 as Mr. Milstead created the violation and it was there for 9 years. Chairman Lingenfelter said that he sees on the application Mr. Milstead put he had no prior knowledge of non-compliance and correspondents as they were disposed of by his ex-girlfriend and once he found out about the issue it was taken care of as soon as possible. Chairman Lingenfelter said there was a posting though in the yard. Mr. Milstead said that was to get the permit because at first he didn't know he had to have a permit. Mr. Milstead said that when he found out he had to have a permit he went down and got the permit and it said there were 3 inspections, he thought after the 3 inspections it was done. Mr. Milstead added that apparently there were other notices sent to the house but he never seen them. Mr. Milstead said that his ex-girlfriend caused a lot of financial troubles. Mr. Milstead said that he was trying to refinance his house and that when he found out he had this fine and as soon as he found out about he had it taken care of. Member Leonard asked about the timeline in 2013 where it states an email was sent to him reminding him that he still had an open violation and that the permit was canceled. Mr. Milstead said once he got the notice to stop work he went and got the permit, he had the 3 inspections and thought everything was good. Mr. Milstead said that during that time he changed his phone number and email because of his ex. Member Leonard that asked so you didn't receive that email. Mr. Milstead stated again the first I heard about it was when he was refinancing his home. Member Leonard asked if we had the certified mail that shows who signed for it. Margaret said it was the girlfriend who signed for it but the property was also posted. Member Hall asked if it was an owner/builder permit. Margaret said she believed so because it was him. Member Hall said he could see how he would not understand how the inspections go.

After discussion and based on the testimony and evidence presented, Member Hall November 17, 2021

**MOVED to reduce the fine to Zero Dollars an issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances , CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2015090 – WAYNE ANDERSON EST / PROTECTED PROPERTY LLC Served**

Complaint No. 20150717004

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

Property Location: 725 Deland Av, Orange City 32763

**Parcel No. 800401620230**

**Zoning: R-4**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on Jul 27, 2015

\*Order of Non - Compliance issued at the October 21, 2015 hearing:

\*Final Order Imposing Fine Lien issued at the December 16, 2015 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of August 20, 2021:

\*Order of Compliance issued at the September 15, 2021 hearing:

**Request for Discussion of Fine/Lien of \$10,000.00**

Nancy Kaufman was present via Webinar at the hearing for this case.

Debbie Zechnowitz, code compliance, presented the 5 cases together. Debbie went over the case details, showing photos. Debbie stated Mr. Anderson has passed away and this property was tied up in probate and the new owners are responsible for cleaning up the property and staff is recommending a reduction of fines. Chairman Lingenfelter asked if Nancy had anything to add. Nancy said not much, the property owner passed away, she purchased the property as is and they cleaned it up and then had to wait for probate to finish and are here now.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to reduce the fine to Zero Dollars an issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances , CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C).** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2015091 - WAYNE ANDERSON EST / PROTECTED PROPERTY LLC Served**

Complaint No. 20130731002

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

Property Location: 725 Deland Av, Orange City 32763

**Parcel No. 800401620230 Zoning: R-4**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on Jul 27, 2015

\*Order of Non - Compliance issued at the October 21, 2015 hearing:

\*Final Order Imposing Fine Lien issued at the December 16, 2015 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of September 13, 2021:

\*Order of Compliance issued at the September 15, 2021 hearing:

**Request for Discussion of Fine/Lien of \$10,000.00**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to reduce the fine to Zero Dollars an issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2015092 - WAYNE ANDERSON EST / PROTECTED PROPERTY LLC Served**

Complaint No. 20130731009

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: 725 Deland Av, Orange City 32763

**Parcel No. 800401620230 Zoning: R-4**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on Mar 14, 2014

\*Order of Non - Compliance issued at the October 21, 2015 hearing:

\*Final Order Imposing Fine Lien issued at the December 16, 2015 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of August 20, 2021:

\*Order of Compliance issued at the September 15, 2021 hearing:

**Request for Discussion of Fine/Lien of \$10,000.00**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to reduce the fine to Zero Dollars an issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2015093 - WAYNE ANDERSON EST / PROTECTED PROPERTY LLC Served**

Complaint No. 20130731008

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (E) Parking motor vehicle(s) on front yard, other than on driveway

Property Location: 725 Deland Av, Orange City 32763

**Parcel No. 800401620230 Zoning: R-4**

November 17, 2021

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on Mar 14, 2014

\*Order of Non - Compliance issued at the October 21, 2015 hearing:

\*Final Order Imposing Fine Lien issued at the December 16, 2015 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of August 20, 2021:

\*Order of Compliance issued at the September 15, 2021 hearing:

**Request for Discussion of Fine/Lien of \$10,000.00**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to reduce the fine to Zero Dollars an issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (E).** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2015094 - WAYNE ANDERSON EST / PROTECTED PROPERTY LLC Served**

Complaint No. 20130731005

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (A) Parking truck tractor, semi-trailer, commercial bus, cutaway van, or chassis cab, truck where not permitted

Property Location: 725 Deland Av, Orange City 32763

**Parcel No. 800401620230**

**Zoning: R-4**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on Mar 14, 2013

\*Order of Non - Compliance issued at the October 21, 2015 hearing:

\*Final Order Imposing Fine Lien issued at the December 16, 2015 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of August 20, 2021:

\*Order of Compliance issued at the September 15, 2021 hearing:

**Request for Discussion of Fine/Lien of \$10,000.00**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to reduce the fine to Zero Dollars an issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (A).** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

November 17, 2021

**CEB2019302- BOUDREAUX DALE F**

**Served**

Complaint No. 20181226006

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

Property Location: 711 Pineland Tr., Ormond Beach 32174

**Parcel No. 411200000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

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

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

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

\*2nd Amended Order of Non-Compliance issued at the January 15, 2020 hearing:

\*3rd Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

\*Final Order Imposing Fine Lien issued at the July 15, 2020 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of October 28, 2021:

**Request for Discussion of Fine/Lien of \$7,800.00**

Dale Boudreaux was present via Webinar at the hearing for this case.

Robert Chayer, code compliance, presented the 3 cases together. Robert went over the case details, showing photos. Robert stated this was kind of a complicated case and a lot was going on, he went over the timeline. Robert said the other day when he was out there he has a little bit of agriculture going on in the back and the office and pole barn have now been permitted, the business is no longer on site. Robert said his recommendation was to keep the fine as is but added it was a long process for him to go through to get where he needed to be, especially with the building part of it. Member Dwyer asked why Robert has to keep the fine as is. Robert said basically it was of his own doing. Member Zahn recalled some of the meeting and said he didn't think they should reduce to zero. Chairman Lingenfelter asked how the property was being use now. Mr. Boudreaux said agricultural. Mr. Boudreaux said it took a lot of time and money. Mr. Boudreaux said that he never knew he had fines running until a few months ago. He added he knew he had compliance for some of the issues and was still dealing with the building issue and didn't have control on the time that took. Member Leonard added that she will not be voting as she has Ex Parte issues and will not be voting. Chairman Lingenfelter said that on cases ending with 303 and 304 he could go to zero on those. Member Zahn said he agreed with reducing 303 and 304 to zero, the motion was made. There was discussion on case ending in 302 and deciding to reduce to \$2,000.00.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to reduce the fine to Two Thousand Dollars payable within 30 days and issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Hall **SECONDED** the motion, Member Leonard abstained and filled out Form 8B, it **CARRIED** by voice vote.

November 17, 2021

**CEB2019303- BOUDREAUX DALE F**

**Served**

Complaint No. 20190418037

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

Property Location: 711 Pineland Tr., Ormond Beach 32174

**Parcel No. 411200000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

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

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

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

\*2nd Amended Order of Non-Compliance issued at the January 15, 2020 hearing:

\*3rd Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

\*Final Order Imposing Fine Lien issued at the July 15, 2020 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of February 8, 2021:

\*Order of Compliance issued at the February 17, 2021 hearing:

**Request for Discussion of Fine/Lien of \$7,800.00**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to reduce the fine to Zero Dollars an issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2019304- BOUDREAUX DALE F**

**Served**

Complaint No. 20190418039

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Converting shipping containers and trailers into accessory structures for storage of business inventor

Property Location: 711 Pineland Tr., Ormond Beach 32174

**Parcel No. 411200000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

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

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

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

\*2nd Amended Order of Non-Compliance issued at the January 15, 2020 hearing:

\*3rd Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

\*Final Order Imposing Fine Lien issued at the July 15, 2020 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of February 8, 2021:

\*Order of Compliance issued at the February 17, 2021 hearing:

**Request for Discussion of Fine/Lien of \$7,800.00**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to reduce the fine to Zero Dollars an issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

November 17, 2021

**Case from Addendum**

**XI. Requests for Discussion of Accumulated Fines**

**CEB2021208 - ENY EQUITY LLC**

**Posted**

Complaint No. 20210128008

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: 2801 E New York Ave, Deland 32724

**Parcel No. 711800000081**

**Zoning: B-6C**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Mar 12, 2021

\*Order of Non-Compliance issued at the September 15, 2021 hearing:

\*Final Order Imposing Fine Lien issued at the October 20, 2021 hearing:

**Request for Discussion of Fine Start Date**

Rito Decarvalho, the GC was present via Webinar at the hearing for this case. Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah went over the case history stating at this time there is still no permit on file for the pool with the fence. Isiah stated he recommends the fines still start on November 18<sup>th</sup>. Chairman Lingenfelter said that the fence is serving a purpose of protecting the pool however it was done without permit. Chairman Lingenfelter said that he recalled at the last meeting a gentleman wanting to come up with a different fence design and that they were going to get the permit. Rito said on 10-20-21 we proposed to do a site plan to go with a survey they had. Rito said he talked to the zoning board and they did not accept the survey they had because it was not signed and stamp, they decided to get a new survey, which they have confirmation they are going to do it but it's going to take 10 weeks until they get out there to do so. Rito is requesting they get more time until they can get the survey so they can apply for the fence permit. Kerry Leuzinger said the zoning requirement is to have a survey within 5 years and the survey they have does not meet that requirement. Kerry added that they have a lot of other things that need to be addressed on that property so they will need a new survey anyway. Kerry said Rito works for the contractor that is addressing all the issues. Kerry added that the fence that is there we don't want to go away because it is protecting the pool, but it's not 100% compliant either. Chairman Lingenfelter asked Rito what the timeline was from the surveyor. Rito said they are running about 10 weeks out and he did explain they needed it as soon as possible. Chris Hutchison added that we received another complaint on the property, in regards to someone staying there while traveling and that the toilets were not working. Chairman Lingenfelter asked if we wanted to consider giving them more time. Sebrina Slack added that we typically keep the fine running and afford them the opportunity to ask for a reduction when they are in compliance and requests per the county that the fine date not be extended. Chairman Lingenfelter then explained like the previous case and the reduction request process.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to Deny the request to change the Fine/Lien Start date for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b).** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

November 17, 2021



## **XII. New Business**

Member Don Needham left the meeting at 11:02 am

- A. Tally Sheets (Quarterly)**
- B. As Entertained by Chairman – There was discussion about Harry Wild being reelected to the board and Vikki Leonard will have her last meeting November 17, 2021**
- C. As Entertained by Board Attorney**
- D. As Entertained by Staff Attorney**
- E. As Entertained By Staff**

## **XIII. Adjournment**

There being no further business to discuss before the Board, the meeting adjourned at 1:26 pm.

Respectfully submitted,

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**Ramona Jones**  
**Code Enforcement Board Clerk**

November 17, 2021

**CERTIFICATE**

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

**I, Ramona Jones, 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 17, 2021, at 123 West Indiana Avenue, Deland, Florida.**

**WITNESS MY HAND this 13th day of December, 2021, in the City of DeLand, County of Volusia, State of Florida.**

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**Ramona Jones  
Code Board Clerk**

October 20, 2021