



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

November 21, 2018

Chairman Chad Lingenfelter called the regularly scheduled, Code Enforcement Board Meeting to order at 9:00 a.m. in the County Council Chambers, Second Floor, Thomas C Kelly Administration

Building

MEMBERS PRESENT

**Chad Lingenfelter, Chair
Harry Wild, Jr., Vice-Chair
Donald Needham
Charles Cino, Board Attorney
Pete Zahn
Vikki Leonard**

MEMBERS ABSENT

Gerard Smith

STAFF PRESENT

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

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APPROVAL OF MINUTES

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Member Zahn moved to APPROVE the October 3, 2018 & the October 17, 2018 Code Enforcement Board minutes. Member Needham SECONDED the motion that CARRIED unanimously by voice vote.

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UNFINISHED BUSINESS

November 21, 2018

CEB2017234-AKTAR RINA

Served

Complaint No. 20161229036

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

Property Location: 1307 Derbyshire Rd, Suite 1/2, Daytona Beach 32117

Parcel No. 424219380060

Zoning: R-5

Code Compliance Coordinator - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the December 20, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

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

Order of Compliance

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

CEB2018016-GUTIERREZ CONSTANCE LEE

Posted

Complaint No. 20171120039

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: 276 Evergreen Ter, Deland 32724

Parcel No. 603812000110

Zoning: MH-5A

Code Compliance Officer - Christopher R. Hooper

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

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of October 24, 2018:

Order of Compliance

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

CEB2018134-STILTNER KERI LYNN

Posted

Complaint No. 20180214023

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Violation of FLORIDA BUILDING CODE SECTIONS 105.1 AND 109.3. ALL CONSTRUCTION REQUIRES BUILDING PERMIT (S) AND INSPECTION APPROVAL(S). The aforementioned violation would require a building permit and/or inspection approvals. (concrete block wall without permits)

Property Location: 1427 John Anderson Dr, Ormond Beach 32176

Parcel No. 323411010250

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of October 18, 2018:

Order of Compliance

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

CEB2018345- BENTON KEVIN & CHERYL

Posted

Complaint No. 20180305002

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: 1890 Maytown Rd, Oak Hill 32759

Parcel No. 844702072350

Zoning: A-1,RC

Environmental Specialist II - Todd Hannah

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of November 7, 2018:

Order of Compliance

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

CEB2018071-SANCHEZ ROBERT J

Sheriff Served

Complaint No. 20171215061

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE

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II DIVISION 8 SECTION 72-287(B) Maintaining a r/v, boat and/or trailer without current tags/validation sticker

Property Location: 174 Poinciana Rd, Edgewater 32141

Parcel No. 844800000120

Zoning: R-4W

Building Compliance Officer - Beverly J Abrahamson

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

*Order of Non-Compliance issued at the February 28, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 21, 2018:

Order of Compliance

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

CEB2016132-OUELLET MICHAEL & STEVEN

Served

Complaint No. 20160418040

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

Property Location: 468 Old Bubbly Rd, Pierson 32180

Parcel No. 483202000650

Zoning: RC

Code Compliance Officer – Christopher R Hooper

Property owner was first notified of the violation on Apr 22, 2016

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

*1st Amended Order of Non-Compliance issued at the November 16, 2016 hearing:

*2nd Amended Order of Non-Compliance issued at the December 21, 2016 hearing:

*3rd Amended Order of Non-Compliance issued at the February 15, 2017 hearing:

*4th Amended Order of Non-Compliance issued at the April 19, 2017 hearing:

*5th Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

*6th Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

*7th Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

*8th Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

*9th Amended Order of Non-Compliance issued at the May16, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Christopher Hooper, Code Compliance Officer, presented the case. Christopher said that the last day of permit activity was April 13, 2018. He said that they needed a variance and that they did get it, but since then the variance has expired. He said there has been no activity since and that he has left four or five voicemails. Christopher said that the respondent does not call him back. Staff recommends a fine of \$100.00 per day, not to exceed \$5,000.00; to commence on December 20, 2018.

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After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , not to exceed \$5,000.00 to begin on December 20, 2018.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017199-SERRA RONALD F & SHARON M

Served

Complaint No. 20170511028

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Expired permit #20011114019

Property Location: 1761 Mitchell Ct, Port Orange 32128

Parcel No. 633001002220

Zoning: PUD

Code Compliance Coordinator – Margaret Godfrey

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

*The Board continued this case from the November 15, 2017 hearing:

*The Board continued this case from the December 20, 2017 hearing:

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Staff is recommending a third amended order of non-compliance, as they just need a building final. The permit is valid until April 10th, so push it back to April 17, 2019.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Third Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017239-ANDERSON RUTH S

Served

Complaint No. 20170208035

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I

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SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). (partial roof collapse)

Property Location: 18 Sunny Shore Dr, Ormond Beach 32176

Parcel No. 420306001250

Zoning: R-4

Code Compliance Coordinator – Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the December 20, 2017 hearing:

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

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

*4th Amended Order of Non-Compliance issued at the September 19, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Staff is recommending a fifth amended order of non-compliance, because staff has reached out to Frank Bruno, former chair here, and he stated that they put her on a list with the buying group. Margaret said that Ms. Anderson has no money, she's out of money. She said that staff has been trying desperately to find a way to help her out; we do not want to impose a fine on this woman. Mr. Bruno said that he put her on a list for the buying group, which has a lot of volunteers to go out and paint her house.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Fifth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017254-MYNSBERGE JAMES H & CHERILYNN J

Served

Complaint No. 20170809022

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

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system(s). Including but not limited to exposed wiring, ceiling damage, roof damage
Property Location: 3 Briggs Dr, Ormond Beach 32176

Parcel No. 322803000030

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Aug 11, 2017

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

*1st Amended Order of Non-Compliance issued at the December 20, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

*4th Amended Order of Non-Compliance issued at the August 15, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. A roof permit has been issued and is valid until March 27, 2019. Staff is recommending a fifth amended order of non-compliance, with a hearing to impose fine/lien scheduled for April 17, 2019.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Fifth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017323-NEHME SABLE & JAKE

Posted

Complaint No. 20170426075

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

Property Location: 1232 Kilgore St, Daytona Beach 32117

Parcel No. 520200000100

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Russ Brown, Assistant County Attorney, reminded the board that today the hearing will be closed captioned for the hearing impaired. He said that it's more important than ever that we identify ourselves and speak clearly into the microphone. He asked as the people

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walk up, can we make sure that the microphone is on? He said that it's always important, but I just want to remind everybody about the live transcription, starting today.

The Chairman asked the board to remember not to talk over each other.

Margaret said there have been no permit applications to date, and the site and conditions remain unchanged. Staff is recommending a fine in the amount of \$100.00 per day, to commence on December 20, 2018; not to exceed \$5,000.00.

Margaret and the Chairman discussed the pictures. The Chairman asked if something straddled the property line.

Margaret said that the carport does.

The Chairman asked if they owned both properties.

Margaret said no, just one. She indicated that in the picture, there is a blue line around the property that is owned by the Nehme's.

Member Wild asked if there are setback issues with both the shed and the carport.

Margaret said yes.

Member Zahn said that it looked like they're connected to the building on the right.

Margaret said that they were built in the 1950's and that it was either 1955 or 1957. She said that she thought it was previously, owned by one family. She said they built the homes long before there were lot lines and any of that. Margaret said they put these two houses like right next to each other.

Member Zahn said so there were two separate properties, but they were built connected at the time.

Margaret said no they weren't connected. She said there are two houses, but they're pretty much right next to each other. She said there's no lot lines or any of that.

Margaret and Member Zahn discussed the pictures in the presentation.

Nahji Nehme gave his name and address for the record. He said that the property is under his kid's name. He said that he is more familiar, because basically he is the culprit. He said that he has been staying with them on the property. He said that he did build an addition. He said after he heard from the county, he tore it down. Mr. Nehme said the only thing that he did not take down is the carport and the shed. He said that in 2009 there November 21, 2018

was a case, but it was closed. He asked why the case was opened again. He said people were living in the garage. He said that there was a complaint.

The Chairman reiterated that the addition was removed.

Mr. Nehme said that it was.

Margaret said the deck and the pump are gone.

Mr. Nehme said that he would be taking the deck down, as the wood is rotten.

Margaret indicated the pictures in her presentation and asked if all of that is gone.

Mr. Nehme said yeah. He indicated the pictures and said this addition is gone. He said there's no more room.

Margaret asked if another addition, from one of her pictures had been taken down.

Mr. Nehme said that it would be. He said he has a medical problem and that he's taking it down himself. He said it's ready to be taken down.

Margaret directed the board to her pictures and said the pictures were taken two weeks ago, and the structures were still there.

Mr. Nehme asked if she was talking about the shed or the carport.

She said the shed, carport and the deck in the back.

Mr. Nehme said okay do you want me to take the shed down. He said the carport has been there since 95' or before.

Margaret said it was never permitted.

Mr. Nehme said it's been that way for 15 years, so why does the guy next door want to take the garage and move it 7 feet. He asked why the law applies to me, but not my neighbor.

Margaret said because it's been there since 1957.

He said it's been there since 1995.

Margaret said that is when you needed permits.

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Mr. Nehme argued that the county knew that the carport was unpermitted in 2009 and that they closed the case.

Margaret said that was not under me.

Mike Nelson, Building and Code Administration Director, said I believe we're still here today, because Margaret has tried to explain what's required and there's a difference of opinion, as to what needs to be done to come into compliance. He said at this point, we have a deck, a carport and a shed without permits. He said we have no records of these being lawfully permitted in 1995. Mr. Nelson said they either need to be permitted or removed and there are setback problems, so permitting will be an issue.

The Chairman explained Mr. Nehme's options, to bring the property into compliance.

Mr. Nehme said that he would get an after the fact permit.

Member Wild said that Mr. Nehme is going to have a problem permitting the carport and the shed.

Mr. Nehme said that his son said they're going to take it down.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , not to exceed \$5,000.00 to begin on January17, 2019.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018138-STILTNER KERI LYNN

Posted

Complaint No. 20180109009

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

Property Location: 1427 John Anderson Dr, Ormond Beach 32176

Parcel No. 323411010250

Zoning: R-3

Code Compliance Coordinator – Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Margaret said that the shed has been removed, but French doors have been added; without evidence of the

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required permits or inspection approvals. She said there was a use permit issued for the driveway. She said that the permit itself requires taking out the asphalt driveway, which has been done and replacing it with sod. She said there is gravel there instead; it also requires that driveway placement be moved over a few feet to the left, according to the site plan. Margaret said it has not been moved. She explained that the block wall is in compliance.

An owner/builder permit was applied for on March 8, 2018, and it was for adding/replacing electrical outlets, replacing a front door, two windows and it specified no change in footprint. The scope of the work exceeds what the permit is for. On October 18th, staff received a submittal of drawings; the drawings did not cover the change of footprint. An affidavit certifying that the electric and plumbing is up to Florida building code. She said however, the plans examiners are requesting affidavits from licenses electric and plumbing contractors. She said the permit application needs to be revised to include all of the violations. Margaret said that she can't find evidence that the contractor listed in the application package, is licensed and she stated that the other contractor is actually an architect.

Margaret explained the affidavit that Ms. Stiltner signed, stating that she would be on the premises for any or all of the construction; it says if she does not have a licensed contractor that she needs to employ one, whoever is there are her staff.

On November 20th, staff received an e-mail from Eric Gebo, Plans Examiner, which stated that he needed an affidavit submitted from a licensed electrical contractor and a licensed plumbing contractor. He also stated that he needed a zoning sign off, as there had been a footprint change according to the drawings in the application. Staff is recommending a fine in the amount of \$50.00 per day, per case, to commence on December 20, 2018; not to exceed \$17,500.00 per case.

The Chairman said there is a permit regarding the second case.

Margaret said there was a permit regarding the wall and that's the only one. She said that the new permit has been applied for.

The Chairman said that he thought there was a permit for the driveway.

Margaret said there was a use permit that was signed off on, however, there're still parking on the front lawn.

Ms. Stiltner said but it's the driveway. The asphalt has been taken out already.

Margaret said that has not been finalized. She said the asphalt was supposed to be replaced with sod and the driveway was to be moved over. She said there is gravel there
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and that's where they're parking; that is not a driveway. Margaret said the permit itself has not been finalized and there are no inspection requests.

The respondent gave her name and address for the record. She said when they were last here, they were in the process of getting certain permits. She said that they do have the permit for the driveway. She said that we still have to pour it and that it's been inspected for the flares by the road. Ms. Stiltner said the driveway is actually the new driveway; it's just not done. She said we've been parking in the new driveway.

The Chairman said so the vehicles are parked on the future driveway.

Ms. Stiltner said yes. She explained where the driveway goes and stated that it has been inspected. She said that they just have to pour the concrete. She said it's not gravel, it's crushed shell because we are going to pave it.

The Chairman said so it's a base for the pavers, which is included in your permit.

Ms. Stiltner said yes.

Chad Fetty gave his name and address for the record. He said that they don't need to have a permit for that driveway; we just need a permit for the use for the right of way. He said once we're on our property, I can make the driveway anyway that I want.

The Chairman said yes it's a use permit, but you can't park vehicles on something that's not a driveway.

Mr. Fetty said but I took out that asphalt, so we no longer have a driveway.

The Chairman said so now you can't park any vehicles on your driveway.

Ms. Stiltner said that they were told that once we received the permit and the flares were concrete that we could make the driveway with the crushed shell. She explained that they haven't owned the house for a year yet and they've done a lot.

Mr. Nelson explained that if they were parking in the garage that they could drive over the grass. He said since they're parking outside of a garage, that it needs to be stabilized to the satisfaction of the zoning enforcement official, Scott Ashley. Mr. Nelson said that it also needs to be clearly delineated. He said if there is a good, solid base that it could be considered parking but it's an opinion; there's not necessarily specifications on it.

Member Zahn said that there is testimony that the base is compacted shell and that it will be paved, but it's not paved yet. He said it's a fully delineated driveway. He said that particular issue, sounds like compliance. He said he's not sure what the discrepancy is.

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Margaret said it's not done and it hasn't been finalized. She said it's not technically a driveway until someone goes out and inspects it and finalizes it. She said it's still the front yard.

Member Zahn reiterated what has been done and not done.

Margaret said it's not delineated.

Ms. Stiltner said once the concrete is poured off the flares, it's a completed driveway.

Member Zahn stated that there was enough evidence to give more time for the driveway, but that the construction without permit had a lot of things that need to be addressed.

Ms. Stiltner reiterated what she said she would do at the last hearing and she explained the progress that she had made, since then to the board. She said the only thing that staff was saying needed to be checked was the electrical. She said she had the architect check because he checked everything.

Member Zahn asked Ms. Stiltner, if she had Mr. Leet submit after the fact drawings.

Ms. Stiltner said she applied originally for a residential permit. She said she came in, when she realized there were problems.

Member Zahn said your initial was an owner/builder permit and you needed more expertise than you were able to provide. David Leet is now involved and it sounds like there's been work outside the set of drawings.

Margaret said yes.

Member Zahn said if there is work being done outside of those drawings, then you're in violation.

Ms. Stiltner explained what had been added and what they plan to add.

Member Zahn said when you add things and the inspector doesn't see it, it doesn't comply with the permit document.

Mr. Nelson said that an architect can't certify electrical. He said it's up to the Building Official to accept the affidavits if they are proper.

Member Zahn said that if the plans were revised to include all the work that has been done, then they would be compliant.

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Ms. Stiltner said it is in the plans.

Mr. Fetty said that everything that he has done, has been included in the plans. He said staff has that paperwork.

Mr. Nelson said that he's looking at a note from 11/20 and Eric Gebo told them everything that they need to do to comply. He said what we're talking about now, is everything they did and that has nothing to do with what Eric asked for; he asked for an electrical affidavit and a plumbing affidavit, which is proper because an architect shouldn't do that. He said there was a footprint change that apparently was in the plans, but wasn't reviewed by zoning.

Margaret read into the record what is required to pull and owner/builder permit.

Charles Cino, Board Attorney, said that we're getting way off track here.

Ms. Stiltner said that she has complied with everything that was asked of her, when she last went before the board. She said that she only found out yesterday that the electrical affidavit was not acceptable. She said that she does plan on hiring a company to redo the entire box.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day , not to exceed \$17,500.00 to begin on January 17, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018228-STILTNER KERI LYNN

Posted

Complaint No. 20180124040

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: 1427 John Anderson Dr, Ormond Beach 32176

Parcel No. 323411010250

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (E).** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018144-ORMOND-BREEZE LLC TR-- LHD GRAINGER LLC TR FLORIDA LAND TRUST D1318 **Posted**

Complaint No. 20180308042

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287(B) Maintaining a r/v, boat and/or trailer without current tags/validation sticker

Property Location: 1318 Avenue D, Ormond Beach 32174

Parcel No. 422901080130

Zoning: MH-5

Code Compliance Coordinator - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the October 3, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. The site and conditions remain unchanged. Staff is recommending a fine in the amount of \$50.00 per day to commence on December 20, 2018; not to exceed \$3,800.00.

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

Margaret said that she hadn't and that she has had to post every notice.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day , not to exceed \$3,800.00 to begin on December 20, 2018.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018157-PARTLOW JAMES J TR

Served

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Complaint No. 20171113016

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

Property Location: 700 E Minnesota Av, Orange City 32763

Parcel No. 800200000115

Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. Mr. Lasseigne applied for the permits and is in plan review. Staff recommends a first amended order of non-compliance, with a hearing to impose fine scheduled for May 15, 2019; as the permit expires on May 5th.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the May 15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-277 (C).** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018174-POTTER JANICE Q & BRIAN C

Served

Complaint No. 20171117018

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

Property Location: 679 Yale Rd, Deland 32724

Parcel No. 702801240170

Zoning: R-3

Code Compliance Officer - Michael Mazzola

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

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

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. Michael said that Mr. Potter is in the review board portion of the process. He has a variance to go through still.

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Staff recommends a third amended order, with a hearing to impose fine scheduled for March 20, 2019.

The respondent gave his name and address for the record. Mr. Potter said that they received a letter three weeks ago, requesting a third-party engineer, from the building department. He asked the board, the reason for it. He explained the process that he has gone through.

Mr. Nelson explained that Mr. Potter should have called the planner that sent the letter, three weeks ago when he received it.

Mr. Potter said that he did. He asked if it was a normal practice.

Mr. Nelson said this is the wrong board for it.

Charles Cino, Board Attorney, said that this board has no knowledge of the letter and it's unfair to ask them to comment on it.

Mr. Potter explained what zoning is requiring of him.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Third Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the March 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018212-A2Z RENTALS LLC

Posted

Complaint No. 20161123033

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

Property Location: 1536 Culverhouse Dr, Daytona Beach 32117

Parcel No. 423310000240

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Apr 18, 2018

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. The roof permit has been issued but there have been no inspection requests or approvals. The violations

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inside the house still remain and there have been no permit applications for them. She said the property was supposed to change hands, but I'm thinking they backed out. Staff is recommending a fine in the amount of \$100.00 per day, to commence on December 20, 2018; not to exceed \$5,000.00.

Member Needham asked when the roof permit expires.

Margaret said in a couple months. She said that it doesn't take care of everything, there's all this interior work.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , not to exceed \$5,000.00 to begin on December 20, 2018.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018283-BURIGO JOSEPH J & JANET P

Posted

Complaint No. 20180118057

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

Property Location: 45 Sunset Blvd, Ormond Beach 32176

Parcel No. 322705000410

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. A new roof permit was issued to address the roof that was in violation. She said that it is valid until April 23, 2019. Staff is recommending a first amended order of non-compliance, with a hearing to impose fine scheduled for May 15, 2019.

Russ Brown, Assistant County Attorney, said just for the record, Member Zahn left but there was still a quorum.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the May 15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018287-CRICHE KATLIN KAY

Served

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Complaint No. 20180314047

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: 277 Kincaid Av, Deland 32724

Parcel No. 702803000680

Zoning: R-3

Code Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. Michael said that he spoke with the respondent and her neighbors, but there are no buyers for the van. Staff recommends a one-time fine in the amount of \$1,500.00, to commence on January 17, 2019.

Member Wild asked if there was irreparable damage; environmental.

Mr. Brown said no.

Member Wild said isn't that what's required for a lump sum.

Mr. Brown said no, not a lump sum; I don't believe. He said I think you can do a one-time fine without irreparable damage.

Mr. Cino said you can do a one-time fine of \$250.00.

Mr. Brown and Mr. Cino agreed that the fine amount is \$250.00.

Member Wild asked the reason for the one-time fine.

Michael said I just figured we could give her a break, I guess.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day , not to exceed \$1,500.00 to begin on January 17, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018297-SPENCER ROBIN & CHARLES L FUTCH

Posted

November 21, 2018

Complaint No. 20160613014

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

Property Location: 2048 Toni St, Ormond Beach 32174

Parcel No. 412402000320

Zoning: MH-4

Code Compliance Coordinator - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. There was an electrical affidavit submitted. The power had to be turned off for a couple of days, but then they submitted the affidavit and the power was turned back on. There have been no permit applications to date. Staff is recommending a fine in the amount of \$100.00 per day, to commence on December 20, 2018; not to exceed \$2,800.00.

The respondent gave her name and address for the record. She said that we started building it, but now we're tearing it down. Ms. Spencer said that she has the electrical affidavit and there wasn't any electric ever there. She said there is no plumbing. She said that we had started building when we weren't supposed to and when we got caught, we stopped. She said the guy that was building it is gone and no longer building it. Ms. Spencer said that she has people now that are going to come help her take it down.

Member Wild asked Ms. Spencer how long it would take to tear it down.

Ms. Spencer said a couple months.

Member Needham asked if a demolition permit is needed.

Mr. Nelson said that you don't need a demolition permit to take down something that was never permitted to begin with. He said that will cure the violation.

Sue Dill gave her name and address for the record. She said that she is the sister of the respondent. She said that her parents built the house back in '69. She indicated that the only thing that is new is the new wood that you see, the rest of it was already there. She explained that Ms. Spencer's friend added things to the structure.

The Chairman asked if it had a roof on it before.

Ms. Dill said yes, sir. She explained the type of roof that was on the structure to the board.

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The board discussed the time that would be needed to bring the property into compliance.

Margaret asked to change her recommendation to a first amended order.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the March 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018315-TRIPP REBECCA ANN

Served

Complaint No. 20180604052

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: 1050 Old Kings Rd, Daytona Beach 32117

Parcel No. 523703110060

Zoning: R-5

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 08, 2018

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said that the property owners have done a lot of work and it's almost done. Staff recommends a first amended order of non-compliance with a hearing to impose fine/lien scheduled for January 16, 2019.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Section 58-36 Article II.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018328-DUNAWAY DEANNA G**Posted**

Complaint No. 20180423017

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

Property Location: 293 Adams Rd, Edgewater 32141

Parcel No. 841202020210**Zoning: MH-5****Code Compliance Officer - Debbie Zechnowitz**

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

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

*1st Amended Order of Non-Compliance issued at the October 3, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case. A demolition permit was issued and it is valid through December 19, 2018. Staff is recommending a second amended order of non-compliance, with a hearing to impose fine scheduled for December 19, 2018.

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

CEB2018350-SMITH TERENCE L & KATHY D**Posted**

Complaint No. 20180424006

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 Vehicle(s) that is inoperative and/or without current state license tag

Property Location: 1640 Horseshoe Rd, Enterprise 32725

Parcel No. 910802010081**Zoning: PUDEA****Code Compliance Officer - Michael Mazzola**

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. The truck is still on the property. Mr. Smith tried to come to the last hearing, but he had car trouble. He said that Mr. Smith travels a lot, so that's why he hasn't had much contact with him. Michael said November 21, 2018

that he has his cell phone number now and that they've been communicating. Michael said that the truck is still not registered. Staff recommends a first amended order of non-compliance, with a hearing to impose fine/lien scheduled for January 16, 2019.

The Chairman said you've talked to him.

Michael said yes, he spoke with him after the code board hearing.

The Chairman asked what will be done with the truck.

Michael said that Mr. Smith told him that he's going to get it tagged and registered.

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

CEB2018381-FEASTER MARVIN

Posted

Complaint No. 20171219033

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

Property Location: 141 Evergreen Ter, Deland 32724

Parcel No. 603812000670

Zoning: MH-5A

Code Compliance Officer - Christopher R. Hooper

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Christopher Hooper, Code Compliance Officer, presented the case. Christopher said that he hasn't been able to obtain any other contact with this gentleman. He's had an owner/builder who is the one that stated his roofer had died. Christopher said that the respondent informed him that he was in mourning each time that they spoke. There has been no change. Staff is recommending a fine in the amount of \$100.00 per day, to commence December 20, 2018; not to exceed \$5,000.00.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day ,**

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not to exceed \$5,000.00 to begin on December 20, 2018. After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018389-NIEMI JACK H

Posted

Complaint No. 20170503028

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

Property Location: 121 West Loop, Oak Hill 32759

Parcel No. 950600011050

Zoning: MH-5

Code Compliance Officer - Debbie Zechnowitz

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case. Debbie said that the little trailer is still there, as of yesterday. Staff is recommending a fine in the amount of \$25.00 per day, to commence on December 20, 2018; not to exceed \$2,700.00.

Member Wild said I see the owner is deceased.

Debbie said yes.

Member Wild said you still expect him to move the trailer.

Debbie said we can only hope.

The Chairman said he's done some unofficial research. He said there used to be a boat parked in front of this property. He explained that the boat is now two houses down, in their driveway.

Mr. Cino asked the Chairman if there was any ex parte communication.

The Chairman said no, he said he just found himself on West Loop in Oak Hill. He asked why we can't pick this thing up; it's garbage.

Debbie agreed.

Member Needham asked what good it would do to lien the property, since the owner is deceased.

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Mr. Brown asked Debbie if she had been in contact with any heirs.

Debbie said there are two children, Bobby and Myrtle, there is no probate; nobody has any interest in this property.

Mr. Brown asked if the owner left a will or anything like that.

Debbie said supposedly there is a will, but she has not found it and it does not appear to be filed. She said that she tried to get in touch with the attorney that drew up this will; they have not responded.

Mr. Brown said the reason to do this, is to get someone to take action. He said we can't make Waste Management go out there and pick it up. He said they have their own rules.

Member Needham said if we postpone it, maybe it will get resolved.

Mr. Brown said I don't know how Ms. Zechnowitz is going to resolve it. He said she has been doing it for 8 months now.

Mr. Nelson said she has been postponing it for quite some time.

Member Needham said we could postpone it until we figure out who owns the property. Mr. Brown said we know who owns it, he's just dead. He said we're here because somebody complained. He said I understand what you're saying and we seem to always find ourselves in this dilemma. Mr. Brown said I'm not advocating one way or the other I'm just trying to help get to a resolution that seems reasonable. He asked Debbie if a tax certificate had been issued.

Debbie said no.

Mr. Cino said that could take up to three years; it could take a long time. He said whoever gets it will take care of it.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the December 19, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (C).** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

X. Hearings and Presentation of Filed Notices of Violations

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CEB2018149-SHAVER MYRON**Posted**

Complaint No. 20171120026

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

Property Location: 1422 Tommy Hitchcock Av, Daytona Beach 32124

Parcel No. 620604250010**Zoning: R-4(5)A****Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Jan 4, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. In January we received a complaint about a junkyard and a lot of abandoned vehicles. Many of the vehicles have been removed. Margaret said that she's had to post the property with the violations and the hearing notices. Margaret showed the board the pictures of what items remain on the property. She said the remaining abandoned vehicle became a part of the junkyard case because it had basically been scrapped. She said that the pile has been sitting there for the past few months; it hasn't moved or changed and there are things growing around it. Staff is recommending a finding of non-compliance, with a compliance date of December 5, 2018 and a hearing to impose fine scheduled for December 19, 2018.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of January 5, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018151-ANCONA BEACHSIDE LLC**Served**

Complaint No. 20171206030

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

Property Location: 3942 S Atlantic Av, Port Orange 32127

Parcel No. 631202002190**Zoning: R-9(S)****Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Dec 08, 2017

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. On December 1, November 21, 2018

2017, staff received a complaint about this property being in disrepair. An onsite inspection on December 5, 2017, showed that the roof was in disrepair. The certified notice of violation was received on December 9, 2017. On December 13th, staff received a call from Ms. Ancona who asked for more time to either demolish the house, or do a complete remodel. She was told at the time that she could have a thirty day extension.

Staff spoke with Leonard Ancona who stated that he would be getting a roof permit. An application for a roof permit was submitted, but it was cancelled by the roofing company. There have been no other applications and the site and conditions remain unchanged. Staff is recommending an order of non-compliance and an order of dismissal with referral to the CLCA; to recommend a resolution of condemnation.

The Chairman said and then we would demolish it.

Margaret said that would be the goal, unless they do something with it.

Leonard Ancona Jr. gave his name and address for the record. He said this is one of my corporations; my mother owns it, I kind of fell into it. He said that she's about 80 years old, so I handle all of her corporations. Mr. Ancona said that Margaret's synopsis is fairly accurate. He said that he didn't know that staff had a conversation with his mother. He said she neglected to tell him that. He said yes, the property is not in compliance. Mr. Ancona stated that they purchased it 10 years ago and it looks the same as it did then.

He said he spoke with staff and that his initial thought was to demolish it. He said that they went back and forth and waited another couple months and then received another letter from the county. Mr. Ancona said that he went to the county and was told that he needed to re-do the roof. He said he spoke with roofing contractors and that he emailed staff to let them know what was going on. Mr. Ancona said that a roofing contractor came and applied for a permit and told him that he was denied. The contractor told Mr. Ancona that there wasn't an issue but the county had an issue, so he stopped doing the permit.

Mr. Ancona said that he spoke with a contractor, who explained that it would be easier to demolish the house and start over. He said yesterday they did apply for a demolition permit.

Margaret said he does have an application right now.

Mr. Ancona showed the board the application that was submitted, the day before. He said that he doesn't know how long it takes to get a permit or how long it takes for the contractor to go out and actually demolish it.

Member Needham said it sounds like a done deal.

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Mr. Ancona said it is a done deal.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a compliance date of January 10, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018207-HUME ROBERT W

Served

Complaint No. 20180214005

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). (boarded up window, appears to have roof issues)

Property Location: 23 River Dr, Ormond Beach 32176

Parcel No. 420312000940

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Last February, staff received a complaint about an unmaintained home and junk in the yard. On February 9th, a site inspection confirmed the violations. It also appeared that some roof-work was being done and there was a boarded up window. There was junk in the yard and a shed that according to the tax roll was put up without a permit. Mr. Hume has received and signed for all of his notices. There was some progress with cleaning up the property, so the case was continued.

On October 5th an onsite inspection showed that the yard was getting better. However, the junk was put in the garage and the garage door cannot be closed. She technically, it's still non-compliant because you can still see the junk. Margaret said it also appears that more roof work had been done and that the window had been replaced. There is no evidence of a permit for replacing the window. Margaret said there are also issues with the siding and there are some fascia boards missing. She's had one conversation with Mr. Hume's daughter, and for a while it was getting taken care of but now it just stopped. Staff is recommending an order of non-compliance, with a compliance date of January 2, 2019 and a hearing to impose fine scheduled for January 16, 2019, for all three cases.

Based on the evidence and testimony provided, Member Needham MOVED **to issue an Order of Non-Compliance with a compliance date of January 2, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member

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

CEB2018208-HUME ROBERT W

Served

Complaint No. 20180216013

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (160 s.f. shed, roof repairs

Property Location: 23 River Dr, Ormond Beach 32176

Parcel No. 420312000940

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

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

CEB2018437-HUME ROBERT W

Served

Complaint No. 20181005063

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

Property Location: 23 River Dr, Ormond Beach 32176

Parcel No. 420312000940

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Based on the evidence and testimony provided, Member Needham MOVED to issue an Order of Non-Compliance with a compliance date of January 2, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241. After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote. **CEB2018280-HUFF GEORGE F O**

Posted

Complaint No. 20180314064

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE

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II DIVISION 8 SECTION 72-287 (C) Recreational vehicle improperly parked

Property Location: 327 Endora St, Ormond Beach 32174

Parcel No. 412404000290

Zoning: MH-4A

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. On March 8, 2018, staff received a complaint about an R.V that was being lived in and parked on the driveway. An onsite inspection confirmed the violation. The notice of violation was hand-delivered on April 12th. In June, staff received a second complaint about an R.V that was being lived in. Margaret said that an onsite inspection confirmed that information. She said that the second R.V that was parked on the front lawn is now gone.

The property was posted with the notice of hearing and notice of continuance, on October 26th. She said that she continued it because the second R.V was gone and she thought that there was progress being made. Staff is recommending an order of non-compliance, with a compliance date of January 2, 2019 and a hearing to impose fine scheduled for January 16, 2019.

The Chairman asked Margaret who she hand-delivered the violation to.

Margaret said a gentleman on site.

Dawn Martin, the owner of the R.V, gave her name and address for the record. Ms. Marin said that she wanted to contest both of the violations.

George D. Huff, the son of the respondent gave his name and address for the record. He said that his father George F O Huff is deceased. Mr. Huff stated that his father passed away in April and that the property belongs to his brother. He said his father always kept in his name, because he thought his son would sell it and it's the only place he had to live. He said that his brother was shot up and his thought process isn't right. He said that his step-mother has paid the property taxes and the back-electric and she has no more money for theses. He said she's on a fixed income; she just got that straightened out.

Mr. Huff said he's here about the fines that were on the previous letter, because we came down to try and get it put in my brother's name but we were told we'd have to go to probate court. He said that it's Ms. Martin's R.V that's on the property and that's why he brought her here today. He said that they're trying to do everything that they can to have it put into my brother's name.

The Chairman said thank you for coming, but the fines don't happen until much later. He November 21, 2018

said the issue is that recreational vehicles can't be lived in on property that does not allow that particular use. He asked if there was a principal structure on the property.

Mr. Huff said that there is a mobile home. He said the R.V is not hooked to the sewer. He said that's why they thought they were in trouble. He said they were going to put it in the backyard, but the powerline hangs down so low in the driveway that they have to get someone to move it, so they can park it out behind the house.

The Chairman asked if anyone was living in the R.V.

Ms. Martin said that she lives in Hunter's Ridge. She said I'm back and forth. She said they go camping in it and that she does hook up the gas, so that it stays flowing. She said other than that, it's been dumped at Love's gas station, Tomoka State Park and other parks. She said that she had receipts for all of it and that the R.V is licensed and insured. She said that it's self-contained.

The Chairman asked if there was a problem with the placement of the R.V.

Margaret said yes, that it's in the driveway it has to be in back.

Ms. Martin said that they want to move the R.V to the back, but the powerline is way too low.

Member Needham asked what they're doing about the powerline.

Ms. Martin said that they've called Florida Power and Light and they say, that it's our responsibility because it's a live wire. She said it's transmitted to our house, so I'm not sure how to go about doing that.

Mr. Huff said where it comes down to his trailer; that's where it's low.

Member Needham said that something needed to be done, so that the R.V could be moved.

Margaret said that it's just a little too close to the road. She agreed that there is a powerline that is obstructing the way. She said that once it's moved she will come out and check it.

Member Needham expressed doubts, about staff's suggested compliance date of January 2, 2019.

Mr. Brown asked Member Needham if he was talking about the first violation, or if they were talking about both of them. He said the second one, he heard that no one was living in it. He said that he didn't see it connected, so he just wanted to make sure that we're clear on what you're doing.

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Member Needham said he's looking at the electrical concern and moving the trailer.

Mr. Brown said that relates to the first one.

The Chairman said the first one is improperly parked and the second is someone living in it. He said I'm not convinced that someone is living in it.

Based on the evidence and testimony provided, Member Zahn MOVED to issue an Order of Non-Compliance with a compliance date of February 15, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the February 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (C). After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018361-HUFF GEORGE F O

Posted

Complaint No. 20180314063

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: 327 Endora St, Ormond Beach 32174

Parcel No. 412404000290

Zoning: MH-4A

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Margaret respectfully asked if the violation could be withdrawn.

The Chairman said that CEB2018361 has been withdrawn.

THIS CASE WAS WITHDRAWN AT THE CODE ENFORCEMENT BOARD HEARING.

CEB2018310-YOKELL CAROLE & MAX J

Served

Complaint No. 20180529031

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or November 21, 2018

system(s). (crumbling retaining wall)

Property Location: 19 Silk Oaks Dr, Ormond Beach 32176

Parcel No. 322707000130

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 07, 2018

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. On May 24th of this year, staff received a complaint from Mr. Wheeler of 18 Sunset Blvd., which is just behind this property about the crumbling retaining wall between the properties. She said it belongs to 19 Silk Oaks. On May 25th staff inspected the property; both the notice of violation and the notice of hearing were received and signed for by Ms. Baker. She said that Ms. Baker called and explained that she tried to look at the damage to the wall, but was denied access by someone staying on the property behind her.

Margaret said that she has been exchanging e-mails with Mr. Wheeler and one of the e-mails was to address the above issue. Ms. Baker said that she can't get onto the property because he does have a locked gate. She said they would have to get together. The site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of December 5, 2018 and a hearing to impose fine scheduled for December 19, 2018.

Member Wild asked who is in the property now.

Joyce Baker, daughter of Ms. Yokell, gave her name and address for the record. She said that she lives at the premises. She provided information.

Ms. Baker said me.

Member Wild said and you're refusing yourself and you're saying that you can't go onto the property.

Ms. Baker said no the gate is locked. She said she had a message from the owner that said, I will leave the gate unlocked until the day before court, which was supposed to be the 21st of November. She said she went several times with a contractor and the gate is locked. She said she went there yesterday and the gate is still locked.

Member Wild asked who the owner is.

The Chairman said Mr. Wheeler.

Mr. Nelson said maybe I can clarify. The wall you're looking at; the fence is on Ms. Yokell's November 21, 2018

side of that wall. So when she says she doesn't have access the fence is between the wall and her, even though the retaining wall is on her property. He said so Margaret took this picture from the neighbor's yard.

The Chairman asked if we had a survey.

Margaret said no.

The Chairman asked if that's where the property corner is.

Mr. Nelson said right now, it hasn't been disputed, about whose property the wall is on. He said it seems to be acknowledged by both parties that the wall is on Ms. Yokell's property, it's just not maintained.

Ms. Baker said that the wall is 3 feet tall and then has a six foot high stockade fence. She said in order to take the fence down...

Member Wild said a section of the fence, not the entire fence.

Ms. Baker said why can't I have access to the property?

The Chairman said you need permission from the adjacent property owner.

Ms. Baker said he told me he would leave the gate unlocked, so that I can access the property. She said that the gate has been locked and in order to fix that, I would still have to go on his property.

The Chairman said correct.

Member Leonard asked is the retaining wall not accessible from your side of the property?

Ms. Baker said no, the picture that you see now is from his back yard. She explained that the wall sits up high, so he has about 9 1/2 feet in his back yard.

Member Zahn said 9 1/2 feet of what.

The Chairman said height because it's a 6 foot stockade fence, plus a 3 foot retaining wall.

Member Zahn asked Ms. Baker if the retaining wall is on her property.

Ms. Baker said yes it is.

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Member Zahn said and the fence is on your property.

Ms. Baker said yes it is.

Member Zahn said and you wanted to go on his property to access the condition of the wall with a contractor.

Ms. Baker said yes.

Member Zahn said my experience as an engineer, doing this kind of work is that you have to keep it all on your property. You have to accomplish any work within the confines of your property, unless you have an agreement with a neighbor that allows you to come onsite. He explained what an easement is, to Ms. Baker. He said if you have a friendly neighbor, you might get that, if you don't then you won't. He said without the cooperation of a neighbor, you have to take down the sections of the fence to repair the wall and then replace the sections of fence. He said that is a normal course of action, for you to remain on your property. He said if your neighbor will cooperate, it makes it easier for your contractor to repair the wall.

Ms. Baker repeated that her neighbor said he would leave the gate unlocked.

Member Zahn recommended getting written correspondence.

Walter Scott Wheeler gave his name and address for the record. He said this house is his beach house. He said during hurricane Mathew in 2016, the retaining wall was severely damaged. He said it cracked and several of the blocks fell into my backyard. He told the board, that the cracked wall is much more serious than the pictures in Margaret's presentation. He said between October of 2016 and May of 2018, he showed Joyce the condition of the wall.

He said he spoke with her three times on the phone and each time he asked her for a date on the status of the wall. He said his concern was that the wall is unsafe. He said he asked about other pictures because there are severe cracks and the wall is actually leaning 20 degrees into my yard. Mr. Wheeler said that Joyce said, that the repairs were taking so long because of the insurance company. He said that he made a complaint with the Building and Zoning Department in May, about the safety of the retaining wall. Mr. Wheeler explained that during the three phone conversations that he had with Joyce, she never said that the reason for the delay to repair the wall was that she didn't have access to his property.

Member Zahn again explained the options that Ms. Baker has to repair the wall. He said it's obvious that you're trying to fix the wall.

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Based on the evidence and testimony provided, Member Leonard MOVED **to issue an Order of Non-Compliance with a compliance date of March 15, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the March 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018366-FREEHOLD PROPERTIES INC

Served

Complaint No. 20160720014

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

Property Location: 2116 Poinsettia Dr, Port Orange 32128

Parcel No. 622201001100

Zoning: MH-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Sep 06, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said that Colleen Miles, who has been handling this was not able to be here today, due to a medical emergency. She wanted me to let the board know that we have been in contact via e-mail and over the phone, since this all began.

Member Wild asked if all the construction is without permits.

Margaret said yes it is. She explained her pictures to the board. She said that staff met onsite with David Marshlack on May 29, 2015, who stated that the property will be listed under Freehold Properties Inc. It was explained that all the building that he was doing, would need permits and inspection approvals. He stated that the property has an Ag exemption, although one has not been found. On June 5, 2015, staff checked with John Hawkins for confirmation and the property does not have an Ag exemption.

On July 27, 2015, staff received an e-mail from then Chief Building Official, Joe Levrault that read we are allowing him time to apply for an exemption and will stay the permit requirements until then. The Ag exemption may not be granted until January of 2016.

On July 11, 2016, staff received a complaint about some buildings being brought in. Margaret said that they were shed-like structures. A July 18, 2016, inspection confirmed the violations. On August 18, 2016, staff received another complaint about buildings being brought in and staff called Mr. Marshlack. Staff explained the permitting requirements to Mr. Marshlack and he insisted on speaking with Joe Levrault. On August 12, 2016, staff met onsite with Blare, who allowed access, to view the structures and their interiors.

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Margaret explained the structures found onsite and their agricultural uses to the board. The notices of violation were hand-delivered. An e-mail was sent to Mr. Marshlack with a list of the inspection findings. The list included: having two principle structures on one lot, R.V connected to water and sewer where not permitted, two log cabin-like structures, a dock, a screened structure without permits and the electrical service to the R.V. The notices of violation were also attached to the e-mail.

On March 30, 2017, staff met with Mr. Marshlack onsite, to discuss the need for permits. He assured staff that he would order a new survey and get started on engineering to get these items permitted. On April 7, 2017, staff received a call from Mr. Marshlack, who stated that the surveyor told him that the shed met setback requirement by about 3 inches. He said that he would get the survey in a few weeks, and that he would bring it in to start the application.

On June 14, 2017, an application for permits was submitted. Margaret explained what the permits were for to the board. On December 12, 2017, the permit for the electrical was cancelled due to lack of activity. A request for additional information was sent, as the permits did not address the entire violation. On March 5, 2017, the other permit was cancelled as the sheds were guest houses and the plans stated that they were uninhabitable space.

On October 8, 2017, staff had a meeting with Colleen Miles, of Land Development Resource Group, and Kerry Leuzinger, Chief Building Official; to establish what needed to be done to bring the property into compliance. It was explained how long some of the buildings had been on the tax roll, even though they were unpermitted. Mr. Leuzinger also explained that the new buildings could not be guesthouses only sheds. It was also explained that the accessory structures must be permitted as well. There are no permits to date, however Ms. Miles contacted Margaret and said that she would be in next week. Staff is recommending a finding of non-compliance, with a compliance date of February 6, 2019 and a hearing to impose fine scheduled for February 20, 2019.

Member Wild asked if those were cows that he saw on the property. He asked if that was appropriate for the zoning of the property.

Margaret said they're gone.

The Chairman asked Colleen Miles' relationship to the property.

Margaret said she's and architect/engineer.

The Chairman said she is working on behalf of Mr. Marshlack.

Margaret said yes. She explained that Ms. Miles has been on it and that she believed the November 21, 2018

violations would be resolved.

Based on the evidence and testimony provided, Member Needham MOVED **to issue an Order of Non-Compliance with a compliance date of February 6, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the February 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018368-JONES ROBERT A & WENDY L FLETCHER **Served**

Complaint No. 20180531003

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

Property Location: 1560 Valencia Av, Daytona Beach 32117

Parcel No. 424219270010

Zoning: R-5

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 08, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. On May 31st, Margaret received a message from Frank Godawa, Building Inspector, who found a detached structure that was being built without evidence of permits or inspection approvals. The notice of violation and the request for hearing, were both signed for by Mr. Jones. Mr. Jones does not live there, this is a tenant.

Mr. Jones told Margaret that his tenant put up the shed and that he would see about getting a permit or having it removed. A November 2nd, inspection showed that the shed was still there but had been moved across the yard. There have been no permit applications to date. Staff is recommending a finding of non-compliance, with a compliance date of January 2, 2019 and a hearing to impose fine for January 16, 2019.

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

CEB2018377-FRANK EUGENE D SR

Served

Complaint No. 20180720051

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

Property Location: 901 Derbyshire Rd, Daytona Beach 32117

November 21, 2018

Parcel No. 520209000580

Zoning: R-5A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jul 31, 2018

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. On July 18th, staff received a complaint about piles of junk in the yard and trucks parked in the side yard. On July 20th an inspection confirmed the violation. On July 31st, the certified notice of violation was received by Mr. Frank; he also received the notice of hearing on August 31st. She said this is the first time that she's spoken with Mr. Frank at all. The site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of January 2, 2019 and a hearing to impose fine set for January 16, 2019. She said as a side-note we do not recommend gravel as a driveway.

Margaret explained her pictures to the board. She stated that Mr. Frank has a corner lot. She explained which truck is the violation.

The respondent gave his name and address for the record. Mr. Frank explained that he had trouble with the truck that is in violation. He said that he was going to have stuff done to it, but a guy wants to buy it. He said the tires are all aired up and that he could have had it in the front where his car is. He said that's why it's there, but it's back beyond where the county will clean, the right of way. He said there is a fence there. He said it's not junk and that he owns a hauling business. He said the truck is for hauling.

The Chairman said you're in the process of selling it.

Mr. Frank said yes.

The Chairman asked about Margaret's pictures.

Mr. Frank said all that is gone.

Margaret said even under the carport.

Mr. Frank said no, that belongs to Julia; that's her stuff and I told her to get it out of there. He said if she doesn't get it out of there that he's going to come haul it out of there. He said that he has a lawyer and that they're trying to figure out if he owns it or not. He said that if he doesn't, he's moving out but either way, it will get cleaned up.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of January 2, 2019 and a Hearing to**

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Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241. After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018378-FRANK EUGENE D SR

Served

Complaint No. 20180720050

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: 901 Derbyshire Rd, Daytona Beach 32117

Parcel No. 520209000580

Zoning: R-5A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jul 31, 2018

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of January 2, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (E).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018404-GOULDBOURN LEE E

Served

Complaint No. 20171109057

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

Property Location: 1115 W New York Av, Deland 32720

Parcel No. 700700000150

Zoning: R-4C

Code Compliance Officer - Christopher R. Hooper

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

*The Board continued this case from the October 17, 2018 hearing:

THIS CASE WAS CONTINUED BY THE BOARD.

CEB2018405-EJ RICHARDS HOLDINGS LLC

Served

Complaint No. 20180511055

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

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Property Location: 1250 E Taylor Rd, Deland 32724
Parcel No. 702700000030 Zoning: A-2
Code Compliance Officer - Christopher R. Hooper
Property owner was first notified of the violation on May 25, 2018

The respondent was present for the hearing.

Christopher Hooper, Code Compliance Officer, presented the case. The violation was received on May 11, 2018, for a nursery constructed without a permit. The certified notice of violation was mailed out and signed for/received. We also have a change of use from a storage structure to an assembly occupancy, without the required permits and inspection approvals. The property was posted on November 7, 2018.

Christopher showed the board the pictures from his presentation. He included advertisements that showed that the barn was being used for weddings and other events.

The Chairman asked if this property had been before the board for a driveway.

Christopher said that they did, back in March or May. Staff is recommending a finding of non-compliance, with a compliance date of December 5, 2018 and a hearing to impose fine scheduled for December 19, 2018.

Member Wild asked which of the buildings was constructed without permits.

Christopher said it was the nursery and showed the board his picture of it.

The Chairman asked if it was the entire structure.

Christopher said the entire structure.

The Chairman said the barn is an existing structure, but its use has changed.

Christopher said that is correct and he showed the board his pictures of the barn. He said that it was permitted for a barn for agricultural reasons and then they used it to host weddings and events.

Mark Watts, Attorney, gave his name and address for the record. Mr. Watts provided information on behalf of EJ Richards Holdings LLC. He said we were here before for a connection to Taylor road without the required use permit. He said we have been in continual conversation with county zoning staff, building staff and the fire department to work on this. It was originally constructed under the agro-tourism sections of the statute. As their business started to increase, staff had concerns that agro-tourism only really related to use of the existing structures versus building new structures for this specific November 21, 2018

purpose that's defined under the statute. We've agreed that's how the statute reads. He said we worked with staff over the summer to create a new special exception for rural event venues.

Mr. Watts said the issue that we're having with this particular property, is that as we worked up that special exception and the criteria for that, zoning staff wanted to keep that to 10 acre parcels only as a minimum size; so that it didn't open up too much property across the county for this type of use. He said that special exception criteria has now been approved. We worked with county zoning staff, to basically agree to handle everything from a use standpoint for this property, which currently has A-3 zoning through a PUD.

Mr. Watts said that they've applied for a PUD that will basically incorporate the standards for the rural event venues, which will allow us to get permits for the structures on the property. We included rural event venues standards and also the sale of agricultural properties, not raised on the premises to deal with the nursery and the nursery building that's on the front.

Mr. Watts explained that they met with the City of Deland; the property is surrounded on three sides by the City of Deland. He said they have been working with Noble Taylor with Fire Services, about how to sprinkle the building and to make sure we've got enough fire flow in the water system to bring it in. He explained that D.R Horton is in the middle of building the Victoria Oaks project adjacent to this property. He said they have been working with them to tie into the new water lines that there're going to be bringing in. He said in July the City of Deland adopted a new ordinance, which requires if any property/project was going to get utilities from Deland, then they would not provide utilities services unless it went through annexation, land-use and zoning development approvals in the City of Deland. He said we are now in the process of applying for the PUD re-zoning in the City of Deland. He said we've already filed with the county and we're now filing it with the city, so that we can get the utility services from them to provide the fire protection that we need.

Mr. Watts said that the process is going to go through at least April, based on the City of Deland's published schedule. He said in the interim the primary concern of staff, when we've gone onsite is fire protection. Mr. Watts said that we have worked with Mr. Taylor and have agreed to post a fire watch at every event. He said we have someone there who is trained to look out for fire hazards and things of that nature. He said that they are required to be onsite for every event. He said that we don't contest that these things are violations, but we don't have the ability to get permits to cure them at this point and time. He said we've been working cooperatively with your staff to get to that point, now we're going to be shifting to the City of Deland staff.

Mr. Watts said our clients did come in to get a permit for the nursery in the front, but
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because its A-3 zoned property and that was an agricultural use, they were told they didn't need one. He said for that reason, they did not pull a permit. He said as it has evolved from there, the use was looked at as sale of agricultural products that are not raised on the premises. He said that a special exception is required for that. He said it's a little different so it puts it into a commercial use, so the building would require a permit. He said our client is trying to get into compliance but it's been a moving target. Mr. Watts said the work with the City of Deland should be done in mid-April.

Mr. Cino asked when the annexation is going to go through.

Mr. Watts said we didn't have to annex initially but now we do. He said the application for that should be in next week. He said based on the City of Deland's schedule that should put us in about mid-April.

Mr. Cino said once annexation takes place we lose jurisdiction.

Mr. Watts said correct.

Member Needham said that you say you have a fire watch. He said if there is a fire, how are you going to deal with that, with people in there, without a sprinkler system.

Mr. Watts said that they closed down the driveway connection that was furthest to the East. He said they added a new stabilized roadway, with a base that can support a fire apparatus. He said that they improved the flow of that road, so both City of Deland and Volusia fire department could more easily access the property. He said that they have the fire watch posted at every event and the closest fire station is less than a mile away.

Member Needham asked if they had talked with the nearest fire station about the situation.

Mr. Watts said that City of Deland fire department was present, at the meeting that they had two weeks before with the City. He said that Jill, their Fire Marshall was present. He said the main reason for that meeting, was to see if they could tap into the fire main that is closer to the property.

Member Needham asked if the driveway would be blocked by parked cars, during events.

Mr. Watts said no, we have a plan and the parking areas are in a different location.

The Chairman asked if the doors on the barn provided easy egress.

Mr. Watts said there are doors on all four sides.

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The Chairman asked if it is it panic and push out, or are they heavy rolling-sliding doors.

Mr. Watts said they are sliding doors that are typically kept open during events. He said there are also push out doors on all four sides, plus the additional exits.

Kerry Leuzinger, Chief Building Official, said there are a couple of things going on here; the nursery building, I'm not sure where they got their information about the permit not being required. He said it does not fall under the Ag exemption of the Florida Building Code; a permit would have and will be, required for that structure to come into compliance.

Mr. Leuzinger said as far as the barn, we still have a lot of life/safety and fire concerns. He said we met with Mr. Watts and the owners back in the spring, at that time, we were looking at bringing the building into compliance over the summer. He said they closed down for a couple of months over the summer and resumed operations in the fall. He said we were agreeable to that; that has not happened and I understand that Mr. Watts has run into some roadblocks, but now we're looking at next April before we can get this barn into code compliance, as far as the Florida Building Code and the Florida Fire Code. He said the lack of sprinklers, accessibility and the unpermitted bathrooms are a concern. He said the kitchen area is not permitted and does not meet the accessibility requirements. Mr. Leuzinger said there are egress issues and accessible parking issues; or the lack there of.

Mr. Leuzinger stated that the building division has concerns about this operation continuing as an assembly occupancy, in a building that is not building code compliant. He said that the operations are continuing, if you look at the website they are extremely booked.

Mr. Watts said that is correct.

Member Needham said having said that, that doesn't begin to look like the recommendation of staff. You're looking like you're talking about no operation until this is resolved. He asked Mr. Leuzinger if that is what he was saying.

Mr. Leuzinger said I'm here to voice my concerns as the Chief Building Official.

Member Needham said as the Chief Building Official, you're speaking for the county. What is the county's recommendation then, as it relates to that?

Mr. Leuzinger said this is a code case, it's up to the code enforcement side. My recommendation is that the building is not code compliant, having the assembly occupancy functions at this building, at this time are in violation of the Florida Building Code.

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Member Needham said so where do we stand.

Mr. Watts said that he appreciates the county's concerns, but our client doesn't have the ability to correct any of those issues, until the zoning issue is resolved. He said we've met onsite and the principal concerns were life/safety. He said our client has worked continuously with Mr. Taylor and fire services, to make sure that there was a strategy in place at all times. He said the understanding we've had, until this morning, is as long as we continue to pursue the fixes from the standpoint of the zoning issues that we were fine to continue operations. He said we've had that conversation on several different occasions.

Member Needham said that's all well and good, but I would like a determination if there is a life/safety issue before we vote.

Mr. Brown said Mr. Noble Taylor, Fire Marshall, has issued conditions in order for events to continue and proceed. According to Mr. Watts, who is the representative of his client, those conditions are being met as assemblies are being held. There are concerns that have been expressed, but Mr. Taylor (and I don't want to put words in his mouth) has the authority to be able to shut down events if there are significant life/safety issues, for an assembly to not be held. He has not done that, rather he has required specific conditions to continue to be met in order to hold an assembly.

Mr. Brown said I don't want to put any words in Mr. Leuzinger's mouth, as our Building Official, but I do not believe that staff is requesting a stop to the assembly of future events while this proceeds. All we're saying is, this has gone on for a while. The evidence shows and Mr. Watts agrees that there are non-compliance issues with the code, but at this time, staff is not recommending the discontinuation of events till these matters get resolved.

Mr. Watts said I'd like to add that as long as we continue to comply with Mr. Taylor's conditions that he's laid out in a letter, for the operation while we're pursuing the approvals.

Mr. Brown said and I know you're not a witness Mr. Watts, but you're client is continuing to take care of this.

Mr. Watts said that's correct. He said the meeting that I keep referencing with the City of Deland; Mr. Taylor was present for the meeting, specifically to address how we were operating with the existing conditions that he's put together in his letters to our client. He was also there to pass that information on to the City of Deland's Fire Marshall.

Mr. Cino said we know that in April this might go to the City of Deland, however there are some serious concerns out there. He suggested that the case be brought back for a progress report next month or the month after to see how things are going. He said we
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need to make sure that everything is on track for April, because if they're not then we need to take a different course of action.

Mr. Nelson said it was Mr. Leuzinger's responsibility to bring those issues to the board; so the board was aware of it. The imminent danger is being handled by Mr. Taylor. So we are not recommending to shut operations down, we're recommending that everyone be cognizant of what's going on and be expedient as possible. He said we do want to get an order of non-compliance, obviously this is what we do with other cases, once we address the imminent danger issues, and we give time to mitigate the violation.

Member Wild asked Mr. Watts from a timing standpoint, assuming you go in with Deland, has that water line been built already.

Mr. Watts said it's under construction currently. He said simultaneously, D.R Horton has been moving along with the Victoria Oaks subdivision, which surrounds our client's property on three sides.

Member Wild asked when they would be able to tie into the line.

Mr. Watts said we're estimating sometime in the first quarter. He explained how D.R Horton has offered to assist with this.

The Chairman asked if the tie in to the line, is what is needed for sprinklers.

Mr. Watts said yes.

Member Needham said for the record, I am uncomfortable with the continued operations until life/safety issues are dealt with. If there was an event out there, I think there would be a lot of questions about what in the world we were doing, doing business as usual when things are not right. I'm uncomfortable with it, I'm afraid. He said it's not nickel and dime stuff, I don't think.

Mr. Watts said hopefully, you can appreciate that we can't get to compliance. He said the only strategy that's available to our client is working with Fire Services, which is what they've done. He said there's a set of conditions that's been outlined by Volusia County Fire Services.

Member Needham said I've heard you and if there's not an issue, then it will all go away and be long forgotten. I along with our Building Official there, share the same concerns. He said you're doing what you can, but that doesn't relieve me of the concern in my own mind.

Member Zahn said I think all these issues have been covered but since Don has offered
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his opinion, I'm going to offer mine. As a Civil Engineer and a person that's familiar with these types of situations my first thought was the life/safety issues in the Florida Building Code that Mr. Leuzinger brought up. He said then it's been brought up that you've been addressing those issues specially and the Fire Marshall for the county has worked out a plan to specifically handle emergency situations related to fire safety during the interim. He said obviously, an eight inch water main isn't available all the time for people; you're fortunate that something like that has come along because that's a big issue. I've dealt with fire safety issues out where you don't have it, so I know what the design parameters are.

He said that's the simplest. He said I think the way that this is going is a violation, time to comply and we put it under review and by the time anything were to happen on this case, you're going to be moving into Deland and that venue. He said you'll be seeking building permits and everything that goes along with it. He said we can't push it aside because of the situation but we all know that it's moving into a different venue and more importantly, you're addressing these issues as they come up anyway; whether it's in the county or the City of Deland.

Member Wild said I know you referenced this as being standard. He said I don't think what they're doing is in any way normal.

Member Zahn said they've addressed the non-standard issues. He told Mr. Watts that if he didn't work with the Fire Marshall, he would have sided with Mr. Leuzinger.

Mr. Watts said if you keep in mind the context of this, which is an agro tourism exercise and look at it from those standards, you don't have the building code issues or those types of issues. You're using barns that are being set up as event venues that aren't complying with all the things that we've had to. This is going to be a better event venue because of this.

Member Zahn said that he's not going to disagree with the agro-venue but I know there's fire safety codes; I know there's life safety codes, I don't care what you're doing. So when you change it to a barn to an occupied use, it changes how it is reviewed dramatically.

The Chairman said they built a kitchen without a permit.

Mr. Watts said they built a barn with a permit.

The Chairman said they built a kitchen inside this barn correct.

Mr. Watts said correct.

The Chairman asked if there was fire retardant for the cooking area. He asked if that could be put in without a permit.

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Mr. Watts said that he didn't have Mr. Taylor's requirements in front of him.

The Chairman said that to me, is irresponsible. We put a kitchen in without a permit and we can't do anything to bring it up to code. He said you could still put in the things to put out a kitchen fire.

Mr. Watts said they've taken every step that they've been asked to take, from a fire safety standpoint with the exception of putting in the sprinklers because we don't have access to the water line.

Member Zahn said that the violation that is before us is construction without the required permits. The recommendation is to find them in violation for that. He said and then there's a process to come into compliance.

The Chairman said I see on the first case; that one will get resolved when they enter the City of Deland. He said I see the second case as something that we need to hear about in the interim.

Member Zahn said if it's a change of use that comes in with the zoning issues, which you've been working toward. He explained the various steps of compliance would be.

Mr. Watts reminded the board the last time that they were there, they worked with staff and resolved the issue quickly.

Member Zahn said that issue was not as complicated as this one.

Mr. Watts said our client wants to be in compliance. He said when there is a path to it, they are moving as quickly as possible. He said we're creating the path from a zoning standpoint for compliance. Mr. Watts said in the interim, we are meeting every requirement from a fire safety standpoint.

Member Needham said with all due respect, you are doing what you can. My concern still is that we are not properly protecting the people that are utilizing that facility. He said we have discovered a life safety issue here, and if operation was shut down until complete compliance is achieved; I think that is exactly what you need to do. He said having provided access for a firetruck to come in, is not the same as having a sprinkler system go off immediately. He explained that he was a general contractor and that he is uncomfortable with the situation.

Member Zahn said that he thought Russ already handled it already; he talked about its been worked out with fire safety and it's been thoroughly addressed. He said I think that issue has been handled.

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Mr. Watts said our client does take the concerns of the board very seriously. She is working as hard as she can, as quickly as she can to get it into compliance.

The Chairman asked Mr. Watts to share the board and staff's concerns with his client.

Mr. Cino said when you come back in January we need to know everything that's going on.

Mr. Watts said on our current schedule we will have what the City of Deland calls TRC, which is their technical staff review for any of those applications. It is scheduled for January 17th. The planning board meeting would be February 20th.

Mr. Cino said just give us an update when you come back in January.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. The board further ordered that a progress report be brought to the January 16, 2019 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** by four to one voice vote.

CEB2018468-EJ RICHARDS HOLDINGS LLC

Posted

Complaint No. 20181109048

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Change of use from a storage structure to an assembly occupancy without the proper permit(s) and/or inspection approval (s).

Property Location: 1250 E Taylor Rd, Deland 32724

Parcel No. 702700000030

Zoning: A-2

Code Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on Nov 9, 2018

The respondent was present for the hearing.

Christopher Hooper, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. The board further ordered that a progress report be brought to the January 16, 2019 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** by four to one voice vote.

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CEB2018417-GRAY IVAN

Served

Complaint No. 20180807063

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: 65 Seacrest Dr, Ormond Beach 32176

Parcel No. 324106000330

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Margaret said a few months ago staff received a complaint about cars without tags parked on the front yard. She said an inspection confirmed the violation. A certified notice of violation was received by Mr. Gray, who has actually signed for everything. Margaret said that she has spoken to Mr. Gray about the violations. She said that the cars are no longer parked on the front yard but the P.T Cruiser still has no tags.

Mr. Gray called yesterday and said that the car is gone. Margaret said Robert Chayer, our new Code Compliance Officer, went out to the property and said that the car is no longer there. Because the car wasn't moved in the time allotted, staff is recommending an order of non-compliance and an order of dismissal.

Based on the evidence and testimony provided, Member Leonard MOVED **to issue an Order of Non-Compliance and an Order of Dismissal.** After Member Needham **SECONDED** the motion, it **CARRIED** by four to one voice vote.

CEB2018425-MICALLEF DANA

Posted

Complaint No. 20180820091

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

Property Location: 1888 John Anderson Dr, Ormond Beach 32176

Parcel No. 324103000033

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on August 22, 2018

The respondent was not present for the hearing.

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Margaret Godfrey, Code Compliance Coordinator, presented the case.

Russ Brown, Assistant County Attorney, explained to the board that we can hear this case but we've discovered that Mr. Micallef has filed for bankruptcy. We're okay to hear the case and we can file an Order of Non-Compliance but when you set the fine hearing, we cannot bring it back while the bankruptcy pends because that's a new creditor and we would be violating the bankruptcy's, Order of Stay from your creditors. We can hear the violation if substantial competitive evidence to find that a violation exists, you're good but I would ask when you do the motion to put it out, at least 6 months and we could continue to ask for amended orders as we track the bankruptcy.

Mr. Cino said let's just continue it.

Mr. Brown said I would get the non-compliance because we're not violating the stay. He reiterated that we're only violating the stay if we file a lien and become a new creditor. He said at least with an order of non-compliance, the court maybe ordering different things but at the same time too, we are preventing a potential issue being passed to a new buyer.

Margaret said that there were two expired permits. One of them was to replace windows and doors throughout the home and had been issued November 2, 2016. It expired July 29, 2017 without having a building final. A final inspection was never requested for the residential permit. Margaret listed the various improvements that had been done on the property without permits. The permit was issued July 13, 2016 and it expired July 5, 2017; with only one inspection approval. The permit still needed to have a combo framing and the final inspection.

Margaret did receive a call from Mr. Micallef who said that the permits had been closed out and it was us not him. Margaret directed him to Mr. Leuzinger because the permits needed to be reopened. On August 22, 2018, the violation was received and signed for. The property was posted with the notice of hearing on November 2, 2018. There has been no further contact with Mr. Micallef and no permit extension requests to date. Staff is recommending a finding of non-compliance, with a compliance date of January 2, 2019 and a hearing to impose fine set for January 16, 2019. She said that now that the bankruptcy has come to light, the dates can be pushed back.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of August 20, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the August 21, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018438-BARBARO ANDREW

Served

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Complaint No. 20180820058

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

Property Location: 17 Hibiscus Dr, Ormond Beach 32176

Parcel No. 420313000760

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Margaret said in the past she's had a few conversations with Mr. Barbaro about the boat. She said he knows it's not supposed to be there. Margaret said he did have it moved at one point. She said that it is now back and it has been sitting there for the past few months. Margaret said that she's had to post both the notice of violation and hearing. She said as of two weeks ago, the boat is still sitting there. There has been no contact. Staff recommends a finding of non-compliance, with a compliance date of December 5, 2018 and a hearing to impose fine scheduled for December 19, 2018.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of January 5, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the January 19, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (C).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018441-DECKER LAWRENCE E

Served

Complaint No. 20180828011

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

Property Location: 5906 John Anderson Hwy, Flagler Beach 32136

Parcel No. 324302030010

Zoning: C,RC,RPUD

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Aug 31, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Staff received a complaint back in August from one of our Environmental people who had to go out for their own issue. They said the houses were in serious disrepair and things like that.

Margaret showed the board the pictures from her presentation. She explained the various issues on the property. She said that there were extension cords everywhere etc. She

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said that there are three buildings that people were living in; they were called A,B & C. She showed the board the electrical to building A. She said they plug things in, outside for lighting and things like that. She said none of it has been permitted. The property was posted as unsafe on October 16th. Margaret showed the board building B. She said there is a tarp covering the entire roof, which has been there so long that it's overgrown. She showed the board, the junk on the side of building B.

Margaret showed the board a storage shelter that is caving in on itself. She pointed out more items on the property and another building that is falling down. She showed the board the back-wall of building C; she explained that people had been living in it. She explained that there was no wall at all, it was just tarp. She showed the inside of one of the apartments in building C. She said that hurricane Irma had come in and flooded that whole area, but Mr. Decker was still renting out some of the apartments. She showed the board a picture of an overgrown greenhouse. She showed the board a storage barn that was built with a permit that they had added electricity and plumbing to it. She pointed out the gentleman who had been living in the barn, as he was in the picture. Margaret pointed out the electrical hook-up and the A.C. unit. She showed the washing machines and their hook-ups; the hook-ups were not permitted. The well pump and the electric hook-up was not permitted either. Margaret said that all three of the buildings were posted as unsecured and unsafe.

Margaret said when we went out there, after the power had been turned off on November 7th, and he had hooked the well up to a generator. She said on the right-hand side there are many cans full of what may be paint; she said there're also gas cans. Margaret went out with Environmental because they have 7 or 8 mystery drums that are not labeled. Environmental staff seemed to believe that it was used oil and some of them were diesel fuel, though that's not set in stone. She said that they believed some of the drums were diesel because there was a diesel generator on the property.

Margaret showed a building that was built without a permit. She showed a picture from March of 2017 and a recent picture to the board. It was explained that the building was still used for storage. There was also a boat with no tag.

Noble Taylor, Deputy Fire Chief, went to the property to see if this all came up to code. She showed the board a picture of the rusted out fire extinguishers as an example. She said there were several of them on the property, but none of them seemed to be usable. Mr. Taylor also stated in his report that the driveway, so to speak heading into the property would not withhold the weight of fire apparatus.

Margaret said that staff went in and hopefully, found these people places to live. She said they have vacated the property, because it was completely unsafe. Staff recommends an order of non-compliance and an order of dismissal because all those buildings are going to be referred to the CLCA for recommendation of condemnation. She said for everything November 21, 2018

else, she wanted to ask for an order of non-compliance, with a compliance date of January 2, 2019 and a hearing to impose fine set for January 16, 2019.

Member Needham asked if there was anyone still living on the property.

Margaret said no, they're not supposed to be.

Mr. Cino asked if the power was still on.

Margaret said no.

Andrew White, Lawrence Decker's nephew, gave his name and address for the record. He provided information.

Member Wild asked if Mr. Decker was living out there.

Mr. White said no, we moved into an apartment a couple of weeks ago.

Member Wild asked if Mr. Decker was still renting out to the underprivileged.

Mr. White said we got everybody out of there a couple of weeks ago.

Member Needham asked if they had any place to go.

Mr. White said that the county came in and helped with that.

Member Needham said that he bet they were vets.

Mr. White said that they were.

Margaret said there were a few.

Mr. Cino disclosed that 30 years ago he represented Mr. Decker and it had nothing to do with this board. He said that he just wanted to disclose for the record.

Mr. White said that his uncle called him a little over a month ago and informed him about what was going on. Mr. White said he's my uncle, he has no heirs, he's single, he's an eccentric gentleman to put it mildly. Mr. White said he needed to help, so I met with him around the first of the month. He said we called the county immediately, to set up a meeting to try to grasp what was going on here.

He said on November 5th, when I walked into the room there was probably 15 people. He said that's when I finally realized the scope of where we stood. He said I can't make excuses for the property. He said that his uncle is 87 now and he's physically and mentally
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not up for this task. Mr. White explained that his first call was to a general contractor. He said they toured the property with Mr. Noble with several of the entities involved.

Margaret said that she's been out there a dozen times.

Mr. White said the first time for me, was a couple weeks ago.

Mr. Nelson asked Mr. White to give his home address to the clerk. Mr. White did so.

Mr. White said that his general contractor is off for two weeks currently. He said he'll be back in a couple of days. He said that they have discussed with staff where to start demolition and that type of thing. He explained that he'd rather the contractor talk with Mr. Leuzinger, as this is not his field. He said he should probably start that process in a week. He said no one is on the property and the power is turned off. He said that it's also chained off. Mr. White explained that he still has some of the people's belongings on the property, so he's not ready to begin demolition yet. He explained that some had to move out haphazardly.

Mr. Cino said that the demolition is not an issue, it's another board. He said all we're going to do today is find him in non-compliance and he would go to another board for the demolition.

Mr. Nelson said we have a concurrent case that would be heard the 5th of December, for unsafe dilapidated structures. Mr. Nelson said we need to get a non-compliance.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of February 15, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the February 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018442-DECKER LAWRENCE E

Served

Complaint No. 20180828012

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287(B) Maintaining a r/v, boat and/or trailer without current tags/validation sticker

Property Location: 5906 John Anderson Hwy, Flagler Beach 32136

Parcel No. 324302030010

Zoning: C,RC,RPUD

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Aug 31, 2018

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The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Based on the evidence and testimony provided, Member Wild MOVED **to issue an Order of Non-Compliance with a compliance date of February 15, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the February 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (B).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018443-DECKER LAWRENCE E

Served

Complaint No. 20180828018

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). (several occupied buildings with tarps on the roof and one has a tarp as a back wall. Some other buildings on the verge of collapsing)

Property Location: 5906 John Anderson Hwy, Flagler Beach 32136

Parcel No. 324302030010

Zoning: C,RC,RPUD

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Based on the evidence and testimony provided, Member Wild MOVED **to issue an Order of Non-Compliance and an Order of Dismissal. The board further ordered that the case be referred to the CLCA board.** After Member Needham **SECONDED** the motion, it **CARRIED** by four to one voice vote.

CEB2018444-DECKER LAWRENCE E

Served

Complaint No. 20180828013

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

Property Location: 5906 John Anderson Hwy, Flagler Beach 32136

Parcel No. 324302030010

Zoning: C,RC,RPUD

Code Compliance Coordinator - Margaret Godfrey

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Property owner was first notified of the violation on Aug 31, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of February 15, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the February 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018467- RUSSELL ORVILLE & PATRICK SR

Posted

Compliant No. 20181106004

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: 1111 E. University Av., Deland, 32724

Parcel No. 701011000070

Zoning: R-3A

Code Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on Nov 7, 2018

The respondent was not present for the hearing.

Christopher Hooper, Code Compliance Officer, presented the case. We received a compliant back in August and it went to the county vendor. The vendor mowed the front of the property but was not able to mow the back because of a padlock on the gate. Christopher said that he did have contact with a property management company that said they were going to take care of it and it's just been going around and around. He said nothing came ever came of it and that's why we sent our vendor to the property. Staff recommends a finding of non-compliance, with a compliance date of

Member Wild asked about the flower bed in Christopher's presentation.

Christopher said there's flower's a weeds around the back. He said that it's kind of hard because he couldn't walk in the backyard to complete the inspection. He said he could only see what he could see from around the fence. He said its three or four feet tall in the back.

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Member Wild said so the flower bed on the right is a part of the problem.

Christopher said that the guy doesn't live there anymore and a management company took over. He said and they've claimed that they're going to service it and they haven't.

Based on the evidence and testimony provided, Member Wild **MOVED to issue Order of Non-Compliance with a compliance date December 5, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the December 20, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Section 58-36 Article II.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

IX. Requests for Discussion of Fines

CEB2015082-BOHLEN WILLIAM F

Served

Complaint No. 20140304033

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: 100 Ponce Deleon Blvd, Deleon Springs 32130

Parcel No. 693801100200

Zoning: B-4(D)

Building Compliance Officer - Beverly J Abrahamson

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

*Final Order of Non - Compliance/Imposing Fine Lien issued at the September 16, 2015 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 11, 2015 hearing:

*Order of Compliance issued at the November 18, 2015 hearing:

Request for Discussion of Fine/Lien \$1,050.00

The respondent was present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case. The case was originally found in non-compliance September 16, 2015; same day for order imposing fine/lien. The property was brought into compliance on November 18, 2015. There was a fine amount of \$50.00 per day that did run for a total fine of \$1,050.00. Staff recommends that the fine be zeroed out but there is still where we had to bring the property into compliance. There is a fee that is owed that is a hard cost, which the county put out so that can't be reduced.

Member Zahn asked how much is that?

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Chris said its \$2,077.00.

Mr. Brown said but that's a separate special assessment; it's a separate lien and it's not in front of the board.

The Chairman said there are no hard costs associated with our lien.

Chris said no.

Mr. Nelson said it's not ours; not ours in reference to this lien. He explained that the recommendation is to go to zero, because the county is getting money back on this.

The respondent gave his name and address for the record. He said that he appreciated the county being willing to drop the \$1,000.00. He said that he didn't realize that it was two liens; he said he thought he was coming in here to discuss one lien, as a total amount of \$3, 127.00. He said as it was already stated, September 16th is when this went into effect. He said that he actually purchased the property on October 8th. He said he closed through a title company and he has title insurance. He explained it's not instant on the county recording side, he said there's a lag that's getting better.

Member Zahn asked Mr. Bohlen if he would have any objection to us, reducing the fine to zero.

Mr. Bohlen said no sir.

Based on the evidence and testimony provided, Member Zahn **MOVED to reduce the fine/lien to zero.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018260-PICERNO ROCCO P JR

Served

Complaint No. 20161026041

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

Property Location: 146 Longwood Dr, Ormond Beach 32176

Parcel No. 420303000720

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

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

Request for Discussion of Fine/Lien That is Due to Start on November 22, 2018

November 21, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said at the last hearing she recommended that a fine/lien begin on November 22, 2018. She said however, due to me not researching it properly he did have an inspection that did pass. Margaret said it was a few days before the hearing. She said it should have been an amended order of non-compliance and not an order imposing fine/lien. She asked the board how to fix it.

The board said just issue a first amended order.

Margaret said we did issue an order imposing fine/lien; she said we need to make that go away, because it never should have been.

Member Wild said we do that with a first amended order, with a hearing to impose fine scheduled for December 20th.

Margaret said but it's an order imposing fine/lien. It's already been imposed. So it would be a first amended order imposing fine lien.

The Chairman said we're trying to stop it from beginning tomorrow.

Mr. Brown said correct.

The board discussed what they needed to do and the date that the fine would begin.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an First Amended Order Imposing Fine/Lien in the amount of \$50.00 per day , not to exceed \$16,000.00 to begin on May 15, 2019.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017395- HOWARD GIDGET & PELLICER VIRGINIA & VEEN ELIZABETH
Served

Complaint No. 20170629039

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

Property Location: 1213 David Dr, Daytona Beach 32117

Parcel No. 523703060190

Zoning: R-5

Code Compliance Coordinator - Margaret Godfrey

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

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

November 21, 2018

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

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

*Final Order Imposing Fine Lien issued at the October 3, 2018 hearing:

Request to Discuss Fine That is Due to Start on November 22, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, explained that the respondent requested to appear before the board and they are not present.

Mr. Brown said so you're withdrawing CEB2017395.

Margaret said yeah, we're not going to hear that because they requested to be here to request a stay of the fine.

Mr. Brown said it's a withdrawn request.

THE REQUEST TO APPEAR BEFORE THE BOARD WAS WITHDRAWN.

- A. Tally Sheets (Quarterly)**
- B. As Entertained by Chairman**
- C. As Entertained by Board Attorney**
- D. As Entertained by Staff Attorney**
- E. As Entertained By Staff**

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ADJOURNMENT

There being no further business to discuss before the Board, the meeting adjourned at 12:43 p.m.

Respectfully submitted,

Meghan Lindsey
Code Enforcement Board Clerk

November 21, 2018

C E R T I F I C A T E

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

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

**WITNESS MY HAND this _____ day of _____, 2018, in the City of
DeLand, County of Volusia, State of Florida.**

**Meghan Lindsey
Code Board Clerk**

November 21, 2018