



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

November 20, 2019

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

**Pete Zahn
Clement Nadeau
Andrew Hall
Chad Lingenfelter, Chairman
Donald Needham
Vikki Leonard
Charles Cino, Board Attorney**

MEMBERS ABSENT

Harry Wild, Jr. Vice Chairman

STAFF PRESENT

**Chris Hutchison, Compliance Manager
Margaret Godfrey, Code Compliance Coordinator
Debbie Zechnowitz, Code Compliance Officer
Michael Mazzola, Code Compliance Officer
Isiah Pitts, Code Compliance Officer
Robert Chayer, Code Compliance Officer
Mark Kaufman, Code compliance Officer
Russ Brown, Assistant County Attorney
Mike Nelson, Building and Code Administrative Director
Kerry Leuzinger, Chief Building Official**

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APPROVAL OF MINUTES

Member Nadeau moved to **APPROVE** the October 16, 2019 Code Enforcement Board minutes. Member Needham **SECONDED** the motion that CARRIED unanimously by voice vote.

November 20, 2019

Disclosure of Ex Parte Communications

Members of the Volusia County Code Enforcement Board are asked to please disclose, for the record, the substance of any ex parte communications that have occurred before or during the public hearing at which a vote is to be taken on any quasi-judicial matters. Member Zahn disclosed that he was the engineer for the following cases, CEB2019087/088 and CEB2016048/049. He recused himself from voting on the motions.

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

IX. Unfinished Business

CEB2017353-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016009

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-282 fence, wall or hedge over the maximum height allowed
Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

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

*4th Amended Order of Non-Compliance issued at the October 3, 2018 hearing:

*5th Amended Order of Non-Compliance issued at the December 19, 2018 hearing:

*6th Amended Order of Non-Compliance issued at the June 19, 2019 hearing:

*7th Amended Order of Non-Compliance issued at the September 18, 2019 hearing:

*Report and Affidavit issued with a Compliance date of October 25, 2019

Order of Compliance

November 20, 2019

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). The aforementioned violation would require a building permit and/or inspection approvals

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:

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

*4th Amended Order of Non-Compliance issued at the March 20, 2019 hearing:

*5th Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

*Order Imposing Fine/Line issued at the September 18, 2019 hearing:

*Report and affidavit of compliance issued November 4, 2019:

Order of Compliance

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

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

*1st Amended Order of Non-Compliance issued at the February 20, 2019 hearing:

*2nd Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

*3rd Amended Order of Non-Compliance issued at the July 17, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of October 10, 2019:

Order of Compliance

November 20, 2019

CEB2018444-DECKER LAWRENCE E

Served

Complaint No. 20180828013

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

Property Location: 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

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

*1st Amended Order of Non-Compliance issued at the February 20, 2019 hearing:

*2nd Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

*3rd Amended Order of Non-Compliance issued at the July 17, 2019 hearing:

Order of Compliance

CEB2019105-DODDRIDGE JONATHAN

Posted

Complaint No. 20181019029

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: 1741 Valencia Ave, Ormond Beach 32174

Parcel No. 424264000300

Zoning: R-5

Code Compliance Officer - Robert Chayer

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

*Order of Non-Compliance issued at the June 19, 2019 hearing:

*1st Amended Order of Non-Compliance issued at the July 17, 2019 hearing:

*2nd Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

*3rd Amended Order of Non-Compliance issued at the September 18, 2019 hearing:

*Report and Affidavit of Compliance issued with a compliance date of November 4, 2019:

Order of Compliance

November 20, 2019

CEB2019165-CARMEN REBOZO FOUNDATION

Served

Complaint No. 20161214053

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

Property Location: 7107 S Atlantic Ave, New Smyrna Beach 32169

Parcel No. 850501190070

Zoning: R-9W

Code Compliance Coordinator - Margaret Godfrey

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

*Order of Non-Compliance issued at the June 19, 2019 hearing:

*Final Order Imposing Fine Lien issued at the July 17, 2019 hearing:

*Order of Stay issued at the September 18, 2019 hearing:

*A report and affidavit of compliance was submitted on October 9, 2019

Order of Compliance

Based on a submitted Reports and Affidavits of Compliance, Member Zahn **MOVED to issue Orders of Compliance on the above mentioned cases as the Respondent(s) have achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2016048-GRAF GREGORY

Served

Complaint No. 20140911004

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 All construction requires building permit(s) and inspection approval(s).

Property Location: 2900 Tangelo Rd, Edgewater 32141

Parcel No. 844301001620

Zoning: RC

Code Compliance Officer – Debbie Zechnowitz

Property owner was first notified of the violation on Sep 15, 2014

*Order of Non - Compliance issued at the April 20, 2016 hearing:

*1st Amended Order of Non-Compliance issued at the October 19, 2016 hearing:

*2nd Amended Order of Non-Compliance issued at the April 19, 2017 hearing:

*3rd Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

*4th Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

*5th Amended Order of Non-Compliance issued at the October 17, 2018 hearing:

*6th Amended Order of Non-Compliance issued at the February 20, 2019 hearing:

*7th Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Eighth Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the February 19, 2020 hearing if compliance has not been achieved.** Member Leonard **SECONDED** the motion that **CARRIED** unanimously by voice vote.

November 20, 2019

CEB2016049-GRAF GREGORY

Served

Complaint No. 20150522017

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 All construction requires building permit(s) and inspection approval(s). (Expired Permit #20140327006 for SFR

Property Location: 2900 Tangelo Rd, Edgewater 32141

Parcel No. 844301001620

Zoning: RC

Code Compliance Officer – Debbie Zechnowitz

Property owner was first notified of the violation on May 26, 2015

*Order of Non - Compliance issued at the April 20, 2016 hearing:

*1st Amended Order of Non-Compliance issued at the October 19, 2016 hearing:

*2nd Amended Order of Non-Compliance issued at the April 19, 2017 hearing:

*3rd Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

*4th Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

*5th Amended Order of Non-Compliance issued at the October 17, 2018 hearing:

*6th Amended Order of Non-Compliance issued at the February 20, 2019 hearing:

*7th Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

Matt Welch, attorney, was present at the hearing for these cases.

Debbie Zechnowitz presented the cases together. She stated that there was an inspection the day before and the final, for the single family residence, did not pass and now the permit is expired. She stated that there was some kind of problem with the permit for the accessory structure and recommended an eighth amended order of non-compliance with a hearing to impose fine scheduled for 2.19.20.

Matt Welch stated that February should be fine as they were about to get this all wrapped up.

Pete Zahn abstained but that had no bearing on the outcome as there was a quorum and it was a unanimous vote.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Eighth Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the February 19, 2020 hearing if compliance has not been achieved.** Member Leonard **SECONDED** the motion that **CARRIED** unanimously by voice vote.

November 20, 2019

CEB2017352-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016008

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

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

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

*4th Amended Order of Non-Compliance issued at the October 3, 2018 hearing:

*5th Amended Order of Non-Compliance issued at the December 19, 2018 hearing:

*6th Amended Order of Non-Compliance issued at the June 19, 2019 hearing:

*7th Amended Order of Non-Compliance issued at the September 18, 2019 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and other evidence presented, Member Lingenfelter **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing December 19, 2019 and to continue until compliance is achieved, but not to exceed \$3,500.00/per case.**

Member Leonard **SECONDED** the motion that **CARRIED** unanimously by voice vote.

CEB2017354-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016007

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

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

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

*4th Amended Order of Non-Compliance issued at the October 3, 2018 hearing:

*5th Amended Order of Non-Compliance issued at the December 19, 2018 hearing:

*6th Amended Order of Non-Compliance issued at the June 19, 2019 hearing:

*7th Amended Order of Non-Compliance issued at the September 18, 2019 hearing:

Hearing to Impose Fine/Lien

November 20, 2019

Mr. Crabtree was present at the hearing.

Margaret Godfrey, Compliance coordinator, presented the cases together. She stated that the fence was gone, but the mobile home was still there as well as the lean-to type structure. The permit on the home was still expired and she was recommending that an order impose fine/lien be issued in the amount of \$50 per day/per case to begin on December 19, 2019, not to exceed \$3500 per case.

Mr. Crabtree stated that Stan Hoelle, architect, was going to get permits to remove the lean-to and build something else like a garage. He also stated that he didn't realize that this was going to be so difficult and take so long. He said that his mover, American, should have the permit reopened and have it finished. He stated that he has had an electrician out there to get the pole up and now he just needs to have the permits put in place.

After discussion and based on the testimony and other evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing December 19, 2019 and to continue until compliance is achieved, but not to exceed \$3,500.00 per case.** Member Leonard **SECONDED** the motion that **CARRIED** unanimously by voice vote.

CEB2017432-CLAFFY DORA M & PERRY PATRICIA

Posted

Complaint No. 20170815052

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: 1405 E New York Ave, Deland 32724

Parcel No. 701106000150

Zoning: B-2CA

Code Compliance Coordinator – Margaret Godfrey

Property owner was first notified of the violation on Aug 25, 2017

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

*1st Amended Order of Non-Compliance issued at the February 20, 2019 hearing:

*2nd Amended Order of Non-Compliance issued at the June 19, 2019 hearing:

*3rd Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

Mark Kane, son-in-law was present at the hearing.

Margaret Godfrey, compliance coordinator presented the case. She stated that there has been no change in the property and no permit applications to date. She recommended an order imposing fine/lien in the amount of \$100 per day to begin December 19, 2019, not to exceed \$8000.

November 20, 2019

Mr. Kane stated that his mother in law, Patricia Perry, is in long term care and will not be returning to the home. He stated that she has no income and it has fallen on him and his wife to pay utility liens that have been placed on the home. They also live in South Florida, but he still manages to come to Deland to take care of the yard and has had the untagged vehicle removed. The board asked Margaret about the extent of the condition and she explained that there were holes in and around the roof, but the house itself was secure as there were no broken windows, doors are locked, etc.

Mr. Kane stated that he wanted to get the utility liens taken care of so that the house could be sold. He said that he also had to pay the property taxes.

It was recommended by the board that the property remain vacant and secured.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue a Fourth Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the March 18, 2020 hearing if compliance has not been achieved.** Member Zahn **SECONDED** the motion that **CARRIED** unanimously by voice vote.

CEB2018360-BAILEY BLAKE C & SHANNON C

Served

Complaint No. 20180705025

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). (Interior remodel, including but not limited to plumbing, electrical, structural, etc.) Mostly pertaining to the mother-in-law suite on the first floor

Property Location: 103 Capri Dr, Ormond Beach 32176

Parcel No. 322101001150

Zoning: R-6

Code Compliance Coordinator - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the April 17, 2019 hearing:

*2nd Amended Order of Non-Compliance issued at the June 19, 2019 hearing:

*3rd Amended Order of Non-Compliance issued at the July 17, 2019 hearing:

*4th Amended Order of Non-Compliance issued at the October 16, 2019 hearing:

Hearing to Impose Fine/Lien

Darren Elkind, attorney, was present at the hearing.

Margaret Godfrey, compliance coordinator, presented the case. She stated that the pool permit was still expired and she was recommending an order imposing fine/lien in the amount of \$100 per day to begin on December 19, 2019 with a cap of \$50,000.

Darren Elkind stated that most of the affidavits that were required were turned in, for the November 20, 2019

renovation, and they were just waiting on an affidavit for the HVAC. He also stated that the homeowners have the previous owners in litigation due to the work that was done without the Bailey's knowledge. He also stated that they have stopped renting the house as a vacation rental and that has placed a financial burden. When they bought the place, they were told that they could use the house as a vacation rental and have since stopped doing that. He stated that they had an HVAC person out to the house, but that person has since stopped working for the company that they hired. He said that they were waiting on somebody else to come out. He also stated that they have a pool contractor to bring the pool up to today's code.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Fifth Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the January 15, 2020 hearing if compliance has not been achieved.** Member Needham **SECONDED** the motion that **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

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

*1st Amended Order of Non-Compliance issued at the February 20, 2019 hearing:

*2nd Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

*3rd Amended Order of Non-Compliance issued at the July 17, 2019 hearing:

Hearing to Impose Fine/Lien

There was nobody present at the hearing for this case.

Margaret Godfrey, compliance coordinator, presented the case. She stated that the only thing left on this property was the boat. Everything else was taken care of. The junk was removed due to the structures being removed and everything but the boat was taken. There was also a Liz Pendens filed, so the county would not be able to impose a fine at this time.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue a Fourth Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the May 20, 2020 hearing if compliance has not been**
November 20, 2019

achieved. Member Zahn **SECONDED** the motion that **CARRIED** unanimously by voice vote.

CEB2018526-VELAZQUEZ FIDEL

Served

Complaint No. 20181016002

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

Property Location: 357 Emporia Rd, Pierson 32180

Parcel No. 581401010030

Zoning: MH-5

Code Compliance Coordinator – Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the April 17, 2019 hearing:

*2nd Amended Order of Non-Compliance issued at the October 16, 2019 hearing:

Hearing to Impose Fine/Lien

There was nobody present at the hearing for this case.

Margaret Godfrey, compliance coordinator, presented the case and stated that the permit was reopened and was valid until the beginning of February and was recommending a third amended order of non-compliance and a hearing to impose fine scheduled for the 2.19.20 hearing.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Third Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the February 19, 2020 hearing if compliance has not been achieved.** Member Zahn **SECONDED** the motion that **CARRIED** unanimously by voice vote.

November 20, 2019

CEB2019021-CRAMER LYNETTE

Posted

Complaint No. 20190118031

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: 1335 Fleming Ave, Ormond Beach 32174

Parcel No. 422800000030

Zoning: MH-1

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Jan 18, 2019

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

*1st Amended Order of Non-Compliance issued at the March 20, 2019 hearing:

*2nd Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

*3rd Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

There was nobody present at the hearing for this case.

Bob Chayer, compliance officer, presented the case. He stated that the mobile home was to be demolished, but there was an issue as there are utility liens against it and the mobile home park can't do anything until the liens are taken care of. They had originally foreclosed on the mobile home and were now in the process of trying to take care of it. He stated that the property was secure and was recommending a fourth amended order of non-compliance with a hearing to impose fine scheduled for 2.19.20.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a Fourth Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the February 19, 2020 hearing if compliance has not been achieved.** Member Leonard **SECONDED** the motion that **CARRIED** unanimously by voice vote.

CEB2019033-STEEDLEY DONALD I

Served

Complaint No. 20181113018

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: 4 River Dr, Ormond Beach 32176

Parcel No. 420312001590

Zoning: R-4

Code Compliance Officer - Robert Chayer

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

*Order of Non-Compliance issued at the October 16, 2019 hearing:

Hearing to Impose Fine/Lien

November 20, 2019

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue a First Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the December 18, 2019 hearing if compliance has not been achieved.** Member Zahn **SECONDED** the motion that **CARRIED** unanimously by voice vote.

CEB2019287-STEEDLEY DONALD I

Served

Complaint No. 20190425012

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: 4 River Dr, Ormond Beach 32176

Parcel No. 420312001590 Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Apr 27, 2019

*Order of Non-Compliance issued at the October 16, 2019 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue a First Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the December 18, 2019 hearing if compliance has not been achieved.** Member Zahn **SECONDED** the motion that **CARRIED** unanimously by voice vote

CEB2019288-STEEDLEY DONALD I

Served

Complaint No. 20190425016

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

Property Location: 4 River Dr, Ormond Beach 32176

Parcel No. 420312001590 Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Apr 27, 2019

*Order of Non-Compliance issued at the October 16, 2019 hearing:

Hearing to Impose Fine/Lien

There was nobody present at the hearing for these cases.

Bob Chayer, compliance officer, presented the cases together. He stated that Mr. Steedley was very close to being in compliance as there were only a few things left to take care of. He was recommending a first amended order for all the cases be issued and a hearing to impose fine be scheduled for 12.18.19

November 20, 2019

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue a First Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the December 18, 2019 hearing if compliance has not been achieved.** Member Zahn **SECONDED** the motion that **CARRIED** unanimously by voice vote.

CEB2019087- FONTAINE JAMES L & PAMELA

Served

Complaint No. 20181030018

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-282 fence, wall or hedge over the maximum height allowed
Property Location: 6270 S Atlantic Ave, New Smyrna Beach 32169

Parcel No. 850501310290

Zoning: R-9W

Zoning Compliance Officer - Debbie Zechnowitz

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

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

*The Board continued this case from the June 19, 2019 hearing:

*1st Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

*2nd Amended Order of Non-Compliance issued at the October 16, 2019 hearing:

Hearing to Impose Fine/Lien

This case was **CONTINUED** due to a lack of a quorum

CEB2019156-LUCAS DONALD L

Posted

Complaint No. 20181220029

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Sheds, garages, carports. This includes all accessory structures on site
Property Location: 147 Evergreen Ter, Deland 32724

Parcel No. 603812000680

Zoning: MH-5A

Code Compliance Coordinator – Margaret Godfrey

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

*Order of Non-Compliance issued at the October 16, 2019 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a First Amended Order of Non-Compliance for all cases. A hearing to impose fine was scheduled for the February 19, 2020 hearing if compliance has not been achieved.** Member Needham **SECONDED** the motion that **CARRIED** unanimously by voice vote.

CEB2019283-LUCAS DONALD L

Posted

Complaint No. 20190828055

November 20, 2019

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: 147 Evergreen Ter, Deland 32724

Parcel No. 603812000680 Zoning: MH-5A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jan 22, 2019

*Order of Non-Compliance issued at the October 16, 2019 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a First Amended Order of Non-Compliance for all cases. A hearing to impose fine was scheduled for the February 19, 2020 hearing if compliance has not been achieved.** Member Needham **SECONDED** the motion that **CARRIED** unanimously by voice vote.

CEB2019284-LUCAS DONALD L

Posted

Complaint No. 20190828057

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: 147 Evergreen Ter, Deland 32724

Parcel No. 603812000680 Zoning: MH-5A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jan 22, 2019

*Order of Non-Compliance issued at the October 16, 2019 hearing:

Hearing to Impose Fine/Lien

Ken Murphy, representing the daughter of Mr. Lucas, was present at the hearing for these cases.

Margaret Godfrey, compliance coordinator, presented the cases together. She stated that there has been no improvement. She was going to recommend a fine to start but due to the circumstances, she was leaving it up to the board. The property owner has passed away and his daughter has to have it go through probate and was just made aware of the situation.

Mr. Murphy was requesting more time due to the probate issues and the fact that they have just been made aware of this. He said that they had just been out to the property and saw what needed to be done.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a First Amended Order of Non-Compliance for all cases. A hearing**

November 20, 2019

to impose fine was scheduled for the February 19, 2020 hearing if compliance has not been achieved. Member Needham **SECONDED** the motion that **CARRIED** unanimously by voice vote.

CEB2019208-ABC DEMOLITION INC

Posted

Complaint No. 20190514005

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

Property Location: Lakeview Dr, Deland 32720

Parcel No. 791304000165

Zoning: I-1

Code Compliance Officer - Michael Mazzola

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

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

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

Hearing to Impose Fine/Lien

Mike Mazzola, compliance officer, presented the case. He reminded the board about the case and showed pictures of the property.

Edward Grimes, president of the company, was present at the hearing. He stated that he had met with staff who gave him recommendations in regards to a site plan. He stated that he was in touch with engineers and was sending out his plans to them and waiting on quotes. He then stated that the company was in chapter 11 and had been there since October 18th and because of the bankruptcy, he cannot legally hire them.

Chair Lingenfelter suggested that he vacate the site and Mr. Grimes stated that he would, but had no place to put the stuff. He stated that it would cost \$20,000 for a site plan to store unused construction equipment on the property and there was no way he can afford that right now. He also stated that environmental has been out there and he has some other issues with that as well.

Assistant county attorney, Russ Brown, asked if Mr. Grimes knew how long he might be in chapter 11 and Mr. Grimes stated that it would be at least 6 months.

Mike Mazzola was asked if the property was cleaned up and he stated that there was stuff out there but it appeared organized.

Mr. Grimes stated that it was difficult to get a site plan without a primary structure and also a fire truck route would also have to be installed as well. He also stated the Mike could go out at any time to make sure that everything is kept organized. Mr. Grimes also stated that he hoped to have a site plan in place by the end of 6 months.

November 20, 2019

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a Second Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the June 17, 2020 hearing if compliance has not been achieved.** Member Leonard **SECONDED** the motion that **CARRIED** unanimously by voice vote.

CEB2019215-TROPICAL HAMMOCK INC

Served

Complaint No. 20190703037

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

Property Location: 1485 Lakeview Dr, Deland 32720

Parcel No. 792404000050 Zoning: B-7

Code Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

Mike Mazzola, compliance officer presented the case. He reminded the board of the previous hearing and showed photos. He recommended a first amended order of non-compliance with a hearing to impose fine scheduled for 12.18.19

Mike Woods, attorney, was present at the hearing for this case. He was there to provide information. He started off by telling the board that there were 3 other cases on this property, one of which involved Monte Carlo, Inc. due to boundary issues. He stated that most of the vehicles were gone and they were also waiting on the county to get a wetland alteration permit for the seawall.

Member Needham asked if the electrical was connected and Russ Brown had stated that there was an electrical affidavit, so the electrical issues had been addressed with the affidavit.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a First Amended Order of Non-Compliance. A hearing to impose fine was scheduled for the December 18, 2019 hearing if compliance has not been achieved.** Member Needham **SECONDED** the motion that **CARRIED** unanimously by voice vote.

November 20, 2019

X. Hearings and Presentation of Filed Notices of Violations

CEB2018461-REASONER STEVE E

Served

Complaint No. 20180725031

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

Property Location: 2907 Ragis Rd, Edgewater 32132

Parcel No. 843801001403 Zoning: A-2A, MH-4A

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Jul 28, 2018

The Board **CONTINUED** this case indefinitely

CEB2019036-DURHAM WEST S & STEPHANIE M

Served

Complaint No. 20170620055

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). (Interior demolition, work includes structural, electrical, HVAC and possible plumbing)

Property Location: 875 Angelfish Ave, New Smyrna Beach 32169

Parcel No. 850501210150 Zoning: R-9W, RCW

Code Compliance Coordinator - Margaret Godfrey

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

The Durhams were not present at the hearing.

Margaret Godfrey, code compliance, presented the case. She gave the code board a time line of events, showed and explained photos, and said that the after the fact permits had expired. She recommended an order of non-compliance with a compliance date of January 5, 2020 and a hearing to impose fine be scheduled for January 15, 2020

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 22-2, Sections 105.1 and 110.0. A compliance date of January 5, 2020 was ordered and A hearing to impose fine is set for the January 15, 2020 hearing.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

November 20, 2019

CEB2019088- FONTAINE JAMES L & PAMELA

Served

Complaint No. 20190221027

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). (Expired RAS permit #20180507048) for a concrete block, CMU, and concrete retaining wall

Property Location: 6270 S Atlantic Ave, New Smyrna Beach 32169

Parcel No. 850501310290

Zoning: R-9W

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on March 1, 2019

This case was **CONTINUED** due to a lack of a quorum

CEB2019204- BARRERA CESAR

Served

Complaint No. 20190215045

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). (Renovation/remodel) Property Location: 5776 James St, Deleon Springs 32130

Parcel No. 600505870070

Zoning: A-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 20, 2019

Mr. Barrera was present at the case and he was there to provide information.

Margaret Godfrey presented the case. She showed photos of the mobile home. She explained that there was an electrical inspection, that failed due to the inspector finding work being done without permits. She showed pictures from previous cases on the property to show the progress of the construction. She also stated that she had gone out to the property and saw two gentlemen working on it. She then posted the stop work order. She then stated that Chief Building Official, Kerry Leuzinger had gone out to the property and based on his inspection decided that it should be referred to our CLCA board for a recommendation of condemnation.

Pete Zahn asked for clarification, if one could enclose a mobile home with stick construction with drawings, permits, etc. Margaret replied that it was possible, however, this property has since been zoned A-3, which requires at least 3 acres to build. In order for the footprint to be changed, a non conforming lot letter would be required before anything as this property sits on about a quarter acre.

Member Nadeau asked what the concerns were about the building not being able to be brought up to code and Kerry Leuzinger said that it has a lot of issues and his

November 20, 2019

recommendation is for CLCA. But they will still be given a chance to resurrect it.

Pete Zahn spoke to Mr. Barrera and told him that just because it was found in violation and dismissed, it would not be over.

Member Nadeau asked when the property was purchased and if Mr. Barrera lived there. Mr. Barrera stated that it was bought as an investment as he didn't live there. Chair Lingenfelter explained that the case, once CEB is done with it, would go in front of another board, and Mr. Barrera would have a chance to explain what he plans to do with it.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance and an Order of Dismissal for violating Volusia County Code of Ordinances, Chapter 22-2, Sections 105.1 and 110.0.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019231-BARRERA CESAR

Posted

Complaint No. 20190517050

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: 5780 James St, Deleon Springs 32130

Parcel No. 600505870040

Zoning: A-3

Code Compliance Coordinator - Margaret Godfrey

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

Mr. Barrera was present at the case and was there to provide information.

Margaret Godfrey presented the case. She stated that she saw this structure when looking at 5776 James St. she saw this structure. Research showed that it belonged to the owner of 5776 James St. She stated that the property was wide open, broken doors, windows, etc. She showed pictures to the board. She also stated that the structure had been there since the 50's and as they are, they could stay, but any change would have to meet the current zoning which is A-3

Member Hall asked about combining the 2 parcels, would it be okay, and she replied that it might give them a half an acre, so they would still have a zoning issue.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance and an Order of Dismissal for violating Volusia County Code of Ordinances, Chapter 22-2, Sections 105.1 and 110.0.**

November 20, 2019

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

CEB2019332-SECOND STEVESON PROPERTIES CORP

Served

Complaint No. 20190627096

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III DIVISION 12 SECTION 72-924 Description:

Property Location: 3610 S Atlantic Ave, Daytona Beach Shores 32118

Parcel No. 630203010011

Zoning: 999

Sea Turtle Lighting Inspector - Christina Phillips

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

There was nobody present at the hearing for this case.

Christina Phillips, environmental specialist, presented the case.

She showed and described photos to the board. She stated that this was the first time that this property had ever had a turtle violation. It was for the sign and she figured that because of the changes in the beach, the sign has been noticed from the beach. She stated that there were no disorientations.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order of Non-Compliance with a One-time Fine be issued for \$500 and the case be dismissed for violating Volusia County Code of Ordinances, Chapter 72. Article III, Division 12, Section, 72-294.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019217-WILSON NATHAN K

Served

Complaint No. 20190624014

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: 1554 Arrowhead Tr, Enterprise 32725

Parcel No. 910805000060

Zoning: R-3(1) EA

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jun 26, 2019

The board **CONTINUED** this case to the December 18, 2019 hearing:

November 20, 2019

CEB2019367-WILSON NATHAN K

Posted

Complaint No. 20191023016

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: 1554 Arrowhead Tr, Enterprise 32725

Parcel No. 910805000060

Zoning: R-3(1) EA

Code Compliance Officer - Michael Mazzola

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

Mr. and Mrs. Wilson were present at the hearing and gave their name and address for the record.

Mike Mazzola, compliance officer, presented the case. He showed photos and a time line concerning the vehicles as this has had complaints going back to 2014. He stated that Mr. Wilson would not allow him in the backyard to view the other vehicles, that Mr. Wilson was working on and Mr. Wilson stated that he didn't want anybody in the backyard and that's why he put up a 6 ft. fence. Mike showed a picture of the most recent vehicle, which does not have an engine. He stated that the reason that this has been going on for 5 years, but Mr. Wilson moves the vehicles after being cited. Staff was recommending an order of non-compliance and an order of dismissal as the cars have been moved again.

Mr. Wilson showed his owner photos of his cars. He stated that they are only there for a few days and he was just working on them. He showed a list of the registrations for all of his vehicles. He stated that there was only one that didn't have a tag, but that was gone. He stated that he had a place in Seminole County, to refurbish the vehicles, and sometimes he brings them home as he has to move them around due to spacing issues. Mr. Wilson stated that Mike had told him that if he puts the cars behind the fence he would be okay. Chair Lingenfelter clarified that maybe it was a misspoken statement or misunderstood statement as the vehicles would have to be kept in the garage. Mr. Wilson stated that he had painted vehicles, in the past, but stopped in 2015, because it was a violation. He also stated that he was allowed to work in his garage.

Candace Wilson had a question. She stated that the board said that they could work in their garage and Attorney Cino clarified that the board did not say that as they do not give direction. She then stated that she had observed Mike taking pictures of the inside of their garage and she wanted to know why. Attorney Cino stated that it was between the two of them as Mike does not work for the board and she would have to talk to his supervisors.

Chair Lingenfelter clarified by saying that code officers aren't supposed to gather evidence through exorbitant methods but they do have to note if there are other violations on the property.

November 20, 2019

Mrs. Wilson stated that no matter what they do, the neighbors consider them horrible people. Member Zahn stated that he didn't want to listen to the bickering any longer and just work on this case. The agenda is long, people have taken off from work and it's all about being kind, compassionate, and it was up to them to get along and not the board to work it out for them. He said that they needed to have a motion on this and move it along. He then stated that he would like to find in non-compliance and dismiss.

Member Hall wanted clarification as to being found to have a violation and then they could come back as a repeat violation and Member Zahn said that was correct. Member Hall stated that he didn't find it in violation.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Dismissal**. After Member Leonard **SECONDED** the motion, it wasn't **CARRIED** unanimously by voice vote. Member Zahn voted no, but the vote was carried due to the vote being 4-1

CEB2019220-GORDON CATHERINE L

Served

Complaint No. 20190306012

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

Property Location: 15 Lenox Ct, Deland 32720

Parcel No. 702011000137 Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jun 20, 2019

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-compliance with a compliance date of February 14, 2020 and a hearing to impose fine be scheduled for February 19, 2020**. After Member Leonard **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019308-GORDON CATHERINE L

Served

Complaint No. 20190919009

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

Property Location: 15 Lenox Ct, Deland 32720

Parcel No. 702011000137 Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Sep 26, 2019

Catherine Gordon was present at the hearing. She stated that she was here to provide information.

November 20, 2019

Mike Mazzola, code compliance presented the case. He showed and describe photos to the board. He went on to say that she had signed for her certified mail. Mike stated that he met on site with the property owner and the tenant. He stated that his recommendation was an order of non-compliance with a compliance date of 12.2.19 and a hearing to impose fine be scheduled for 12.18.19.

Ms. Gordon got up to speak and stated that she served her tenant with a 7 day compliance order. She stated that once she gets the tenant evicted, she can go in and clean the place up. She stated that she hoped to get it done by the middle of December, but with the holidays, she wasn't sure.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-compliance with a compliance date of February 14, 2020 and a hearing to impose fine be scheduled for February 19, 2020.** After Member Leonard **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019264-FERRENTINO PETER

Posted

Complaint No. 20190530026

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: 918 Louise Ln, Deland 32720

Parcel No. 701911000080 Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on June 4, 2019

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance with a compliance date of February 15, 2020 and a hearing to impose fine scheduled for February 19, 2020 for all the cases.** After Member Nadeau, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019265-FERRENTINO PETER

Posted

Complaint No. 20190530029

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: 918 Louise Ln, Deland 32720

Parcel No. 701911000080 Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jun 04, 2019

November 20, 2019

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance with a compliance date of February 15, 2020 and a hearing to impose fine scheduled for February 19, 2020 for all the cases.** After Member Nadeau, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019266-FERRENTINO PETER

Posted

Complaint No. 20190816001

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: 918 Louise Ln, Deland 32720

Parcel No. 701911000080 Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jun 4, 2019

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance with a compliance date of February 15, 2020 and a hearing to impose fine scheduled for February 19, 2020 for all the cases.** After Member Nadeau, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019307-FERRENTINO PETER

Posted

Complaint No. 20190919004

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

Property Location: 918 Louise Ln, Deland 32720

Parcel No. 701911000080 Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jun 4, 2019

Chris Risenger, tenant, was there to provide information and also contest and gave his name and address for the record.

Mike Mazzola presented all of the cases together. He showed and described photos to the board. He stated that as of his last inspection, not much had changed. There were still there, no tags, junk, overgrown lawn. He recommended that all of the cases be found in non-compliance with a compliance date of 12.2.19 and a hearing to impose fine be scheduled for 12.18.19

Mr. Risinger pointed out, per pictures, which vehicles were gone. He also stated that he works a lot of hours and is doing what he can to clean up the yard. He stated that he was

November 20, 2019

37 hours into a 2 day week. He is an over the road trucker and stated that he slept in his truck on his way back from the north side of Atlanta and would have to be in Alabama first thing the next morning. He has gotten rid of some of the cars, scrapped others, and some of them are high dollar cars. He went on to show which cars still needed tags and which were in the process of being repaired and showed one that was strictly a parts car. He said that he was in the process of buying a home and would move the vehicles, etc. to that property. He stated that this was the first time he had been back to the house in 6 months. He then stated that a lot of the cars were going to be listed for sale as the turkey rod run was coming up

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance with a compliance date of February 15, 2020 and a hearing to impose fine scheduled for February 19, 2020 for all the cases.** After Member Nadeau, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019273-BOUDREAUX DALE F

Hand-Delivered

Complaint No. 20181226004

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

Property Location: 711 Pineland Tr, Ormond Beach 32174

Parcel No. 411200000090

Zoning: A-2A

Code Compliance Officer - Robert Chayer

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

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of December 12, 2019, and a hearing to impose fine scheduled for December 18, 2019.** After Member Hall, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019301-BOUDREAUX DALE F

Hand-Delivered

Complaint No. 20181226005

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: 711 Pineland Tr, Ormond Beach 32174

Parcel No. 411200000090

Zoning: A-2A

Code Compliance Officer - Robert Chayer

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

After discussion and based on the testimony and evidence presented, Member Zahn
November 20, 2019

MOVED to issue an Order of Non-Compliance with a compliance date of December 12, 2019, and a hearing to impose fine scheduled for December 18, 2019. After Member Hall, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019302-BOUDREAUX DALE F

Hand-Delivered

Complaint No. 20181226006

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

Property Location: 711 Pineland Tr, Ormond Beach 32174

Parcel No. 411200000090

Zoning: A-2A

Code Compliance Officer - Robert Chayer

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

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of December 12, 2019, and a hearing to impose fine scheduled for December 18, 2019.** After Member Hall, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019303-BOUDREAUX DALE F

Hand-Delivered

Complaint No. 20190418037

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

Property Location: 711 Pineland Tr, Ormond Beach 32174

Parcel No. 411200000090

Zoning: A-2A

Code Compliance Officer - Robert Chayer

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

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of December 12, 2019, and a hearing to impose fine scheduled for December 18, 2019.** After Member Hall, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019304-BOUDREAUX DALE F

Hand-Delivered

Complaint No. 20190418039

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

Property Location: 711 Pineland Tr, Ormond Beach 32174

Parcel No. 411200000090

Zoning: A-2A

Code Compliance Officer - Robert Chayer

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

After discussion and based on the testimony and evidence presented, Member Zahn November 20, 2019

MOVED to issue an Order of Non-Compliance with a compliance date of December 12, 2019, and a hearing to impose fine scheduled for December 18, 2019. After Member Hall, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019305-BOUDREAUX DALE F

Hand-Delivered

Complaint No. 20190418041

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: 711 Pineland Tr, Ormond Beach 32174

Parcel No. 411200000090

Zoning: A-2A

Code Compliance Officer - Robert Chayer

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

Matt Welch, attorney, was present at the case on behalf of the defendant and was there to provide information.

Bob Chayer, compliance officer, presented the case. He showed and described photos to the board. He had mentioned that he was onsite with environmental as they had cases as well, and that's when most of the violations had come to light. He stated that he had hand delivered all of the notices and during his last inspection on 11.7, he met with the owner of the property. He then listed all of the site inspections where he met with the owner and also mentioned a meeting with Rachel Gow, attorney, to go over the violations. He then showed pictometry photos of the progression of the violations. He then showed several photos of his own that he had taken. He stated that the equipment is stored there, for the business, as well as the business vehicles that are being maintained and fueled on the property. The property is zoned A-2 and there is no Ag exemption, special exception, at this time. There is a residence on the property that Bob believes is rented out. He recommended a finding of non-compliance with a compliance date of 12.6.19 and a hearing to impose fine 12.18.19. He explained the reasoning behind the time frame and that was due to a meeting in May of this year, where it was explained, per zoning, that this may not be possible. This case has been going on for about a year.

Matt Welch stated that they were working on a zoning change which will be coming up in the near future. He stated that the trailers had been removed, along with anything without tags have been removed or tagged, the junk is gone.

Mr. Boudreaux stated that the conex boxes had been removed, the trailers have been tagged and now they are working on after the fact permits for the buildings.

Matt Welch was requesting a deadline further out than December. Pete brought up the meeting in May and no progress since. He understands that rezoning, etc. takes time but November 20, 2019

this has already been going on since last December and there was a meeting in May to discuss options, so there has been time granted. He stated that it seemed to him that there should be something to show by now.

Matt Welch stated that after the meeting, they regrouped as to what to do and in the last month or so, they have decided to move forward.

Pete mentioned that he could understand the December date as this has been going on for awhile and some of these he has been trying to make go away and he's off to a good start. He stated that he would stick with this time line to keep an eye on this.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of December 12, 2019, and a hearing to impose fine scheduled for December 18, 2019.** After Member Hall, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019290-BEACH BRAD & AMY

Posted

Complaint No. 20190123016

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

Property Location: 3390 John Anderson Dr, Ormond Beach 32176

Parcel No. 321604000050 Zoning: R-3

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Jan 29, 2019

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an Order of Non-Compliance with a compliance date of December 6, 2019, and a hearing to impose fine scheduled for December 18, 2019.** After Member Zahn, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019291- BEACH BRAD & AMY

Posted

Complaint No. 20190123015

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

Property Location: 3390 John Anderson Dr, Ormond Beach 32176

Parcel No. 321604000050 Zoning: R-3

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Jan 28, 2019

The Beach's were not present at the hearing.
November 20, 2019

Bob Chayer, code compliance, presented the cases together. He showed and described photos to the board including aerials showing the progression of the dock. . He stated that the notices were received and posted on the property. He stated that the roof permit had expired and the dock was built without permits and inspection approvals.

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an Order of Non-Compliance with a compliance date of December 6, 2019, and a hearing to impose fine scheduled for December 18, 2019.** After Member Zahn, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019292-BLACK DENISE

Served

Complaint No. 20190213005

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

Property Location: 37 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000630 Zoning: R-4

Code Compliance Officer - Robert Chayer

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

Denise Black was present at the hearing and gave her name and address for the record. She also said that she was contesting.

Bob Chayer presented the case and showed and described photos to the board. This case is due to a permit that was issued and finalized and the permit was reopened due to the permit having a different roof than what was used. Permit has since been cancelled. The chief building official stated that the low slope portion of the roof would have to be removed and replaced. He recommended a finding of non-compliance with a compliance date of 12.6.19 and a hearing to impose fine be scheduled for 12.18.19.

Ms. Black stated that after Hurricane Mathew that part of the roof was ripped off and she had a tarp put on it until it could be replaced. She went on to describe what had been done to the roof. She stated that she was misinformed and was told she didn't need to have a permit. So the permit that was issued was for a different kind of roof.

Chair Lingenfelter explained that a need for a tear off may be due to the fact that the roof is done and they may need to check nailing, etc. He told her that she would have to get with the building official.

Member Hall asked if there was an issue with going past the December date and was told no, as Bob now has had contact with the owner.

November 20, 2019

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance with a compliance date of February 15, 2020, and a hearing to impose fine scheduled for February 19, 2020.** After Member Nadeau, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019299-AVELLINO MARK DAVID

Posted

Complaint No. 20190722009

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

Property Location: 875 Tater Rd, New Smyrna Beach 32168

Parcel No. 820200100240

Zoning: A-1,A-2,RC

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on July 29, 2019

Mr. Avellino was present at the hearing as well as his Attorney Mark Watts. They were there to provide information.

Margaret Godfrey, Code Compliance, presented the case. She started off by saying that she hand delivered the notice of violation and spoke to the property owners about the building violations and the need to get permits. She showed and explained pictures to the board. She showed the buildings that were not permitted and the electrical work that was done without permits and inspection approvals. She recommended a finding of non-compliance with a compliance date of January 4, 2020 and a hearing to impose fine scheduled for January 15, 2020. She also recommended an electrical affidavit concerning the safety of the electrical installation be submitted to the chief building official within 10 days from a certified Florida contractor.

Mark Watts stated that the property used to hold West Volusia Kennel Club sanctioned events. He showed where the dogs used to run and be timed. He pointed out that they had met with staff and were going to proceed with a special exception as well as provide a non-conforming lot letter to go forward with the special exception which they would be applying for by the next week. They get that going and then they can go forward with the building violations. He also stated that Mr. Avellino had done most of the electrical work and there is power to the buildings. He stated that they would not be able to have the PLDRC and council addressed by January, but will have applications in place by then.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of March 13, 2020, and a hearing to impose fine scheduled for March 18, 2020, with the requirement that an affidavit certifying the safety of the electrical installation be**

November 20, 2019

submitted within 10 days. After Member Hall, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019329-ORTIZ LAURA J

Posted

Complaint No. 20190517034

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b) Fence erected, moved, or altered without a permit

Property Location: 1434 John Anderson Dr, Ormond Beach 32176

Parcel No. 323413000340 Zoning: R-3

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on May 31, 2019

The respondent was not present at the hearing.

Bob Chayer, compliance officer, presented the case. He showed and described photos to the board about the fence and the fence height. He explained how this was a corner lot and technically had two front yards. They had gone through the variance process and it was granted and now they just had to get the permit reinstated.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order of Non-compliance with a compliance date of December 6, 2019 and a hearing to impose fine/lien scheduled for December 18, 2019 .** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019330-SANCHEZ GAUDENCIO

Served

Complaint No. 20190823049

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: 2532 Old New York Ave, Deland 32720

Parcel No. 791304000073 Zoning: I-1

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Aug 26, 2019

CEB2019331-SANCHEZ GAUDENCIO

Served

Complaint No. 20190823053

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

Property Location: 2532 Old New York Ave, Deland 32720

Parcel No. 791304000073 Zoning: I-1

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Aug 26, 2019

November 20, 2019

The respondent was not present at the hearing.

Margaret Godfrey, compliance officer, presented the cases together. She showed and described photos to the board. She went over the timeline concerning these properties and what brought them to the code board. It was described as the electrical work that was done without permits was to reenergize the barn that was originally in front of the code board a few months back and had the power shut off. She also showed several windows that were closed in, 5 meters, outside steps, etc. She stated that they had tried to get the power turned off to these structures, but that Duke refused to shut them off.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-compliance with a compliance date of December 4, 2019 and a hearing to impose fine/lien scheduled for December 18, 2019** . After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019335-CONFIDENTIAL DATA F.S. 119.07

Posted

Complaint No. 20190325027

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

Property Location: 42 Seabreeze Dr, Ormond Beach 32176

Parcel No. 324105000510

Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on May 22, 2019

The respondent was not present at the hearing.

Bob Chayer, compliance officer, presented the case. He showed and described photos to the board. He showed the pictures of the junk that are under the carport. He also stated that he has had to post the property, has had some contact with the tenant, but no contact with the property owner.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-compliance with a compliance date of December 6, 2019 and a hearing to impose fine/lien scheduled for December 18, 2019** . After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019340-TOLBERT STEPHEN DOUGLAS

Posted

Complaint No. 20190507045

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

November 20, 2019

Property Location: 1157 13th St, Daytona Beach 32117

Parcel No. 424233000020 Zoning: R-5

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Jun 01, 2019

The respondent was not present at the hearing.

Bob Chayer, compliance officer, presented the case. He showed and described photos to the board. He showed how the roof was deteriorating over the garage area. There is a tarp, but it was not very secure. He stated that the property was occupied but he has had no contact and the property has had to be posted with the notices.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order of Non-compliance with a compliance date of December 6, 2019 and a hearing to impose fine/lien scheduled for December 18, 2019** . After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019341-VANMETER JUDY A

Served

Complaint No. 20190517017

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

Property Location: 48 River Shore Dr, Ormond Beach 32176

Parcel No. 323404000930 Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on May 23, 2019

The respondent was not present at the hearing.

Bob Chayer, compliance officer, presented the case.

CEB2019342-VANMETER JUDY A

Served

Complaint No. 20190517032

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: 48 River Shore Dr, Ormond Beach 32176

Parcel No. 323404000930 Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on May 23, 2019

November 20, 2019

The respondent was not present at the hearing.

Bob Chayer, compliance officer, presented both cases together. He showed and described photos to the board. He stated that the notices were received and signed for. He showed the shed that was built without permits and the truck on the front lawn.

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an Order of Non-compliance with a compliance date of December 6, 2019 and a hearing to impose fine/lien scheduled for December 18, 2019 for both cases.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019346-SWIFT DONALD E & BIBI

Served

Complaint No. 20190531022

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

Property Location: 2963 N Shell Rd, Deland 32720

Parcel No. 791505000020

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

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

Mark Watts, attorney, was present at the hearing on behalf of the Swift's and was there to provide information.

Margaret Godfrey, code compliance, presented the case. She stated that there was a stop work order posted on June 5, 2019 and there was no power to the building. She then showed and described photos to the board. She also showed screen shots from when the property was for sale and the difference on the outside compared to now. She also stated that staff had met with the Swift's and Mark Watts, to go over what would be needed for the permitting process. She recommended a finding of non-compliance with a compliance date of January 4, 2020 and a hearing to impose fine scheduled for January 15, 2020.

Mark Watts got up to explain that they wanted to get permits to resolve the issue, however, the property is the jurisdiction of the St. Johns water management district and is in a flood zone. The house would have to be elevated by about 4 ft. to meet the new requirements. He stated that they had an appraisal done and the appraisal was estimated for damage that was done after a storm and they needed to have an appraisal from before the storm to get the correct amount to go forward. The appraisal time can make a difference on whether the amount is 50% of what the house is worth and that way they might not have to raise the house 4 ft. He stated that when he finds out what they can or cannot do, with the appraisal amount, they will meet with staff to go forward.

November 20, 2019

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of March 15, 2020, and a hearing to impose fine scheduled for March 18, 2020.** After Member Leonard, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019350-MONTE CARLO INC

Served

Complaint No. 20191004046

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

Property Location: 792404000040, Deland 32720

Parcel No. 792404000040 Zoning: R-4, RC

Code Compliance Officer - Michael Mazzola

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

Gary Martin, representative for Monte Carlo, Inc was present at the hearing and gave information concerning the violation.

Mike Mazzola presented the case and showed photos of the encroachment from Tropical Hammock which has caused their violation.

Chair Lingenfelter asked about where the property line is and Mike Woods stated that it was about halfway through the RV's. Staff is recommending a finding of non-compliance with a compliance date of 12.2.19 and a hearing to impose fine be scheduled for 12.18.19.

Mike Woods stated the RVs had been removed, but to be in full compliance, the hookups would have to be removed as well which will be part of the wetland alteration permit.

Russ Brown suggested putting this out further due to Monte Carlo not causing the problem. Get the order of non-compliance and push it down the road to allow for Tropical Hammock to get this taken care of.

Mr. Martin asked about getting fines for something that they did not do and Chair Lingenfelter advised him to stay in touch with Mike Woods, who is working to cure these violations.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 72, Article II, Division 8 Section 72-277 (c) with a compliance date of 6.12.2020 and a hearing to impose fine is set for the 6.17.2020 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

November 20, 2019

CEB2019354-STILES MAURICE C

Sheriff-Served

Complaint No. 20190614054

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: 238 Volco Rd, Edgewater 32141

Parcel No. 841202020260

Zoning: MH-5

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Sep 23, 2019

The respondent was not present at the hearing.

Debbie Zechnowitz, compliance officer presented the case. She showed and described photos to the board. She stated that the property has had to be posted and sheriff served. She stated that the property had been to the CEB for a junkyard case, in the past. She then stated that Tom Legler, chief building inspector, posted the mobile home as unsafe. She stated that she has had some contact with the homeowner and the homeowner has stated that he wants to repair it. She recommended a finding of non-compliance and dismissal as the property will be referred to the CLCA board for a resolution of condemnation.

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an Order of Non-compliance and Dismissal and a referral to CLCA.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019357-RESIDENTIAL REDESIGN INC

Served

Complaint No. 20180510033

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

Property Location: 946 Seminole Rd, Osteen 32764

Parcel No. 922804000150

Zoning: R-4A

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Oct 21, 2019

Peter Bursik, court appointed receiver, and Joseph Colyer, 50% owner, were present at the hearing and were providing information.

Mike Mazzola, code compliance, presented the case. He stated that he had spoken to Mr. Colyer about the expired permits and also gave the dates on which the notices were received, by both owners. He then showed and explained photos to the board. He also listed the other building violations that were seen by Tom Legler, chief building inspector. He also recommended a finding of non-compliance with a compliance date of December November 20, 2019

2, 2019 and a hearing to impose fine be scheduled for December 18, 2019.

Mr. Colyer got up to speak and stated that there is no money in the company and they will not be able to cure the violation. They wanted to sell the house as-is. He stated that he wanted to sell the house without getting sued. He then referred to previous cases that were heard, concerning properties that were sold without the information concerning the problems. He stated that the other owner had created the issue and kept going even knowing that he had to get permits. Mr. Colyer stated that he wanted a lien on the property so that a potential buyer will know what's wrong with the property. He did not want to take a chance on a lawsuit and thought that would be the best way to notify any buyers. He explained that he had been locked out of the house since June of 2016 and has not been able to see the extent of the work that has been done by Mr. Crutcher, the other owner, and the one who caused the violations. He stated that Mr. Crutcher has continue to do the work even after the stop work order was posted.

Mr. Bursik spoke and stated that as the court appointed receiver he has to make all the decisions on the property. He is an agent for the court and he reiterated that there is no money and money can only come from the sale of the house. Mr. Bursik stated that there was no bankruptcy, it was just a stay that was issued and the property has to go through the circuit court.

Mr. Colyer mentioned that his name was signed illegally by Mr. Crutcher, and that is why he has a receiver appointed.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of December 2, 2019, and a hearing to impose fine scheduled for December 18, 2019.** After Member Leonard, **SECONDED** the motion, it was **CARRIED** unanimously by voice vote.

CEB2019348-TROPICAL HAMMOCK INC

Posted

Complaint No. 20191004021

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

Property Location: 1485 Lakeview Dr, Deland 32720

Parcel No. 792404000050 Zoning: B-7

Code Compliance Officer - Michael Mazzola

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

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 22-2, Sections 105.1 and 110.1 and Chapter 72, Article II, Division 8, Section 72-277, with a compliance date of 12.15.19 and a hearing to**

November 20, 2019

impose fine is set for the December 18, 2019 hearing. After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote

CEB2019349-TROPICAL HAMMOCK INC

Posted

Complaint No. 20190820013

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

Property Location: 1485 Lakeview Dr, Deland 32720

Parcel No. 792404000050 Zoning: B-7

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Aug 22, 2019

Mike Woods, attorney, was present at the case as well as Aaron Moore, CPH. They were there to provide information.

Mike Mazzola presented the case, testified and showed pictures to the board. They showed the sheds and shipping containers as well as the electrical. He recommended an order of non-compliance with a compliance date of 12.2.19 and a hearing to impose fine be scheduled for 12.18.19.

Mike Woods stated that they were going for after the fact permits and are applying for a variance. Aaron Moore mentioned that they had to apply for a stormwater review to make sure that there were no stormwater issues. He said that they would be doing that the following day.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 22-2, Sections 105.1 and 110.1 and Chapter 72, Article II, Division 8, Section 72-277, with a compliance date of 12.15.19 and a hearing to impose fine is set for the December 18, 2019 hearing.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote

CEB2019358-TROPICAL HAMMOCK INC

Served

Complaint No. 20180413017

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

Property Location: 1485 Lakeview Dr, Deland 32720

Parcel No. 792404000050 Zoning: B-7

Environmental Specialist II - Kristopher Brown

November 20, 2019

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

Mike Woods and Aaron Moore were present for this case as well and were providing information..

Kris Brown, environmental was there and presented his case as well as showed photos to the board. He pointed out the changes in the past few years, where the dredging was located, to build a seawall. He stated that the area is in the National Resource Management Area.

Member Hall asked if it was all permitted and Mr. Brown said no.

Mike Woods stated that they were waiting for a sign off from zoning to move forward with the permitting process to get the area stabilized. He also said that there was another wetland alteration permit applied for to address the area that had the RV hookups. He stated that once they get the hookups out of the wetland buffer, that should be good to go.

Member Hall asked if the property was purchased that way or if the current owner had done the work and Mike Woods stated that his client had done this and now they were making sure that it is all done in a proper way. He also stated that they would be working to get the wetlands put back to the proper way, as well.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 72, Article III, Division 11 Section 72-884 with a compliance date of 12.15.19 and a hearing to impose fine is set for the December 18, 2019 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019365-SHOUP KIM

Served

Complaint No. 20190910008

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

Property Location: 4988 Old Blue Ridge Rd, Edgewater 32141

Parcel No. 844301000132

Zoning: A-2

Zoning Compliance Officer – Mark Kaufman

Property owner was first notified of the violation on Oct 22, 2019

Kim Shoup as well as her attorney, Mark Watts were present at the hearing and were contesting the violation.

Mark Kaufman, code compliance, presented the case. He stated that the county's November 20, 2019

position was that the non-conforming use of the property had been abandoned. The non-conforming use was grandfathered in as the use was around before the zoning laws had changed. It was originally an exempt excavation under ordinance 72-32. He gave a time line that started back in 1975 with letters concerning the property. He then stated that the code of ordinance 72-207 which states that if an abandonment of a non-conforming use has been abandoned for 6 months or more, it shall not be reestablished. He stated that once the east side of the property use had been converted from an excavation to aquaculture, the exempt excavation had been abandoned. He stated that there was an agricultural exemption, for the aquaculture, that was issued in 2016. He stated that he had hand delivered and posted the property with the notices as well as a stop work order. He then showed and described photos to the board.

He continued by saying that in the permitted principle uses, aquaculture was listed, as well as the statement, as long as there are no excavations. He showed aerial photos of the progression of the ponds as well as the excavations that were recently done without a special exception. He showed that the excavation was encroaching on the bike path, which is a Volusia County right of way. He described the letter from 1975 and the plans that went along with it. He then let the board members read the letter that was on the overhead projector.

He then showed photos of the water being pumped out from the east side to the west side and there was a pipe going underneath the bike path, which is Volusia County property. He then showed and described his own photos to the board. He showed the trucks that he followed that were dumping on a different site. He then showed photos that were taken by Debbie Zechnowitz. He also showed a receipt from the site. He then recommended an order of non-compliance with a progress report on 5.15.20. Russ Brown stated that he would discuss why the dates were what they were as there was a resolution with Mark Watts.

Mark Watts got up to speak and stated that the history timeline was correct and showed the status of the property, in 2005, when it was purchased by Ms. Shoup. He then went on to say that there position was that the non-conforming use was never terminated and the excavations on the east side of the property were continuing under the non-conforming use. He stated that they were in front of the value adjustment board in 2016, and the thought is that the exempt excavations had stopped. He stated that the question of abandonment is one of intent. He then cited case law. One of which stated that generally cessation of a non-conforming use is not in effect an abandonment of use. An abandonment occurs when an owner intentionally foregoes the non-conforming use. He stated that the use of aquaculture and excavation are not mutually exclusive. He then showed records from 2005-2020 of business tax receipts.

Mr. Watts had stated that they had worked with Bryan Jiles, in 2016, when a complaint came in with regards to the property. It had shifted to the west side of the property at that November 20, 2019

time and at the time, Mr. Jiles stated that if it was bona fide AG use, he would not proceed with a code enforcement case. Agriculture was a primary focus on the east side, the west side ponds were expanded, and now water has been transferred to the west side and now excavation resumes on the east side. He stated that the key here was intent as Ms. Shoup continued to operate with both excavation and aquaculture on the same property. The intent has always been excavations.

Russ Brown asked if the property still has it's ag exemption.

Mark Watts stated that the property lost it's agricultural exemption this year. They received conflicting information that it had been lost however she continues to be certified by the department of agriculture. A month ago she got her last inspection report deemed acceptable. The department of agriculture continues to inspect the aquaculture operation going on out there. These two things aren't mutually exclusive. I don't think you can establish aqua culture use that requires excavation to establish it, but I think if you have existing excavation, I mentioned before looking at aqua cultural best management practices manual, I'm happy to submit as part of the record as well, but if you look on pages - beginning on page 13 they talk to different types of facilities and talk about new construction of the farm and the pits and the ponds, aquiculture pond reclamation and the relevant point on - sorry, getting into on page 20, it goes into pit - what it refers to as pit ponds, part of what the State regulates. Mining operations that are reclaimed and turned into aqua culture. Have a set of standards in here Ms Shoup continues to be inspected for by department of agriculture as well that relate to the aquaculture use and continuing aquaculture use on portions of the property.

Member Zahn asked how can an ag exemption be lost.

How does one lose its ag status? Miss the deadline? I wish I could answer that. Typically, they disagree with it. The most recent notice I had seen that Ms Shoup provided was a copy of automatic renewal from last year. It looks like it rolled off earlier this year. I'll tell you it was reluctantly granted - let me take it back, the property appraiser's office denied the application for ag exemption in 2016. We took it to special magistrate and presented the case and had that reversed in 2016 so it may just be that they decided they have continued the excavation activity.

Member Hall mentioned that he has been in mining for 5+ years prior to moving back to Florida. He stated that he would like to study this more before making a decision due to the excavation going from east to west as well as the aquaculture.

Mark Watts stated that if we have a non-conforming use that's a continuing valid non-conforming use then she has rights, if you will, as a property owner. We have been

November 20, 2019

working with staff to come up with reasonable solutions. You saw in the presentation, once the stop work order was posted, there was additional work that went on and the reason for that was because Ms Shoup had contracts and she had folks that were going to sue her, and win for her failure to provide fill material and so she had to make a choice. This is the due process. This hearing is the due process that she receives on whether or not her use is gone.

Member Zahn asked if the stop work order was posted, due to a violation of the special exception and Mr. Watts clarified that there was never a special exception, and that he perceived that county's case for the abandonment of the non-conforming use was terminated in 2016.

Russ Brown stated that the county's position was that the non-conforming use was voluntarily abandoned and the grandfathered use was changed due to the conversion to aquaculture. Mark Watts argued that the county's perception was Ms. Shoup's intent and Ms. Shoup's intent is valid from the standpoint.

Member Zahn stated that a lot of this was based on opinion and Mr. Brown's opinion differed from Mr. Watts.

Mr. Brown asked for clarification from Mr. Watts, that the companies name changed to Fisheries and Aquaponics LLC and Mr. Watts stated that there was a change.

Member Nadeau asked if there was continuous excavation going on since 2016 and Mr. Watts stated that that's when it shifted to the west side. He stated that the excavation continued on the west side due to the ag exemption. He stated that you don't permanently abandon the use as there is still fill material there. Any time you have an excavation pit, it will fill with water, if the pumps stop running. Here they filled with water, fish farming going on, then the fish are removed, water drained, and excavation continued. He stated that there had been fish on that property since 1999. It was in 2016 that the operation was certified with the property appraiser. He stated that the property started out as excavation, back in the 1970's when Hart Cattle owned the property.

Member Zahn stated that one you finished digging, it fills up with water, you have fish, it goes from a hole in the ground to a hole with fish in it and excavation is considered on going?

Mr. Watts clarified that the intent of the owner was to go back to excavation, so it was never abandoned.

Member Zahn, for clarification, stated that you dig a 1 acre dirt hole in the ground and

November 20, 2019

there's no demand for the dirt for the time being, obviously the groundwater fills it up, turns it into a pond however your intent for the excavation remains the same it's just we're not digging dirt out of the ground at the moment. You have a couple of ways to do it, one is leave a berm between the existing one acre pond, dig next to it and let the water flip-flop back and forth and somewhere along the way aqua culture has come into our possibilities, and so here's a natural pond ready for it and so the aqua culture began to become a feasible use for that property.

Mr. Watts stated that they are not mutually exclusive and Member Zahn stated that they were as you have two holes, one wet and one dry. He then stated that you could dig a hole, fill it with water, dig another hole and so on.

Mr. Watts stated that the west side was not the question here, it was just the east side. The east side was done, filled with water, aquaculture began, the water was drained and the excavation resumed. He stated that he didn't know much about mineral extraction but stated that he was sure that there are times when there is a demand for it and times when there isn't.

Ms. Shoup got up to speak and stated that she always excavated the ponds with a drag line so there was always fish in the ponds. She stated that it was certified aquaculture with the 2 previous owners as well. She stated that the ponds were always stocked and there had always been fish in them. They were never totally drained.

Mark Kaufman stated Keith Abrahamson had gone out to the property with personnel from Gainesville to do a study and said that there was no evidence of any fish or the right equipment pertaining to aquaculture and that's why the ag exemption was revoked.

Member Zahn stated that it didn't mean that their intent wasn't still their intent, it was just that the evidence didn't yield evidence for an ag exemption to continue.

Member Hall stated that he thought that what the board was trying to figure out was if the excavation was done without permit and that a lot of this conversation went beyond what this board was supposed to decide.

Member Zahn stated that this was a tough call as all of the excavating had been permitted and Mr. Watts had good evidence that the intention never changed just because the use changed.

The board then asked what the county's recommendation was and Mark Kaufman reiterated what the county's position was.

Member Zahn stated that what the county was looking for was an order of non-
November 20, 2019

compliance and he wasn't sure if there was a violation of the stated ordinance. He stated that he wasn't clearly convinced. He stated that he leaned more towards Mark's argument than towards the county's argument. He said that if they have an order of non-compliance issued, it means that something was done wrong. He wasn't sure if there was not a violation as the aquaculture did not mean that the intent to continue the excavation wasn't there. He then asked Russ Brown if it was the county's view that the excavation was abandoned because of the way that the property was being used as compared to how it had been used previously to that.

Russ Brown responded that Mark's position is that because he's paying a BTR, it shows intent that they're not going to abandon that use. I think the case law, which is where Mark and I disagree, is on the voluntary abandonment by the property owner as oppose to the county taking some positive action to terminate that legally non-conforming use. I think that's where the disagreement is with Mark and I, in the case law and so the county's position is the property owner's actions have voluntarily abandoned that legally non-conforming use shown by totality of the circumstances, on the east side leaving the west side alone. We believe that use was abandoned. For greater than six months and therefore it's no longer exempt.

Mark Watts replied, well again, I think it goes back to what I'm going to say again, it is a question of intent. If you again go back to the basis of zoning regulations as being regulations and derogation of private property rights, you know, they're to be strictly construed in favor of the land owner.

The land owner here had an ongoing intent even though there was an interim use of the area for the aquaculture operation, there was an ongoing intent to resume when the time was right for that additional material to be excavated out of the area so I think that's the basis, going back to what numerous cases have been held. He and Ms. Shoup went on to explain how to get the fish and wildlife to sign off on this with applications, etc. She then stated that there has always been an aquacultural operation since 1999 and they have also been selling the fish since then.

Member Zahn stated that even though she didn't continually have trucks in there and digging going on, it didn't mean that the excavation had totally stopped.

Member Hall had asked if they had anything that definitely shows intent and he gave an example. He stated that if he got drawings from Pete, it shows an intent to build something.

Mark Watts replied that in 1975, nothing like that was a requirement which is why this has been grandfathered in from needing something like that. Ms. Shoup added that she

November 20, 2019

has a drawing of the entire property that shows it as a watering hole. The property was covered in water from side to side.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Dismissal** . After Member Nadeau **SECONDED** the motion, it **CARRIED** with a 3-2 vote with Members Leonard and Member Hall voting no.

CEB2019366-DANIEL JACQUELINE M

Posted

Complaint No. 20191023015

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

Property Location: 1421 W New York Ave, Orange City 32763

Parcel No. 800401710150 Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

The respondent was not present at the hearing.

Mike Mazzola, compliance officer, presented the case. He showed and described photos to the board. He showed how the shed was in the front yard and would need to be moved.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order of Non-compliance with a compliance date of December 2, 2019 and a hearing to impose fine/lien scheduled for December 18, 2019** . After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

XI. Requests for Discussion of Accumulated Fines

CEB2019165-CARMEN REBOZO FOUNDATION

Served

Complaint No. 20161214053

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

Property Location: 7107 S Atlantic Ave, New Smyrna Beach 32169

Parcel No. 850501190070 Zoning: R-9W

Code Compliance Coordinator - Margaret Godfrey

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

*Order of Non-Compliance issued at the June 19, 2019 hearing:

*Final Order Imposing Fine Lien issued at the July 17, 2019 hearing:

*Order of Stay issued at the September 18, 2019 hearing:

*A report and affidavit of compliance was submitted on October 9, 2019

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

November 20, 2019

Request to discuss accumulated fine of: \$2,700.00

Becky Woods, Ocean Properties, was at the hearing on behalf of the property owners.

Margaret Godfrey, code compliance, presented the case. She went through the timeline, including the fact that the fine was stayed at \$2700 and an order of compliance was issued that day. She stated that staff's recommendation was to lower the fine to \$1000, payable within 30 days, as this has been going on for over 3 years.

Ms. Woods stated that they found out about the lien when the property was being sold. She stated that it was under contract and when they found out about the lien, she became diligent in addressing the violation. She requested that the lien be released as the property owner has already paid over \$5,000 getting this in compliance. Member Hall requested clarification as to whether Mr. Rebozo had created the violation and Ms. Woods stated that he did but thought that the violation had gone away. He didn't know that the dune walkover needed to be permitted.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to reduce the fine to \$1000 to be paid within 30 days or the fine reverts back to \$2700** . After Member Hall **SECONDED** the motion, it **CARRIED** unanimously with voice vote.

CEB2018493-TINDALL DARLENE

Posted

Complaint No. 20180723026

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Replacing deck on dock. Appears this is a new structure. All new pile, framing, appears renovation and/or re-model in-progress inside SFR, electric, mechanical, plumbing. This may not be a complete list

Property Location: 1634 Juno Tr, Astor 32102

Parcel No. 581900070720

Zoning: R-4

Code Compliance Coordinator – Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the February 20, 2019 hearing:

*Final Order Imposing Fine Lien issued at the August 21, 2019 hearing:

Request for Discussion of Fine/Lien that Began on September 19, 2019

Darlene Tindall was present at the hearing.

Margaret Godfrey, code compliance, presented the case. She gave a brief history of the property and showed and explained photos to the board. She explained that the after the

November 20, 2019

fact permit had been expired and this case was over a year old. She recommended that the lien continue to run until the property was totally in compliance.

Darlene Tindall got up to speak and said that she thought that she had a year to do something with the permit. She stated that she was busy working on the dock as far as variances and permits and put the house on the back burner until that got taken care of.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to stay the fine at \$6200 for 60 days or it begins again.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously with 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). The aforementioned violation would require a building permit and/or inspection approvals

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:

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

*4th Amended Order of Non-Compliance issued at the March 20, 2019 hearing:

*5th Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

*Order Imposing Fine/Line issued at the September 18, 2019 hearing:

*Report and affidavit of compliance issued November 4, 2019:

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

Request for Discussion of Fine/Lien of \$600 that Began on October 17, 2019

The property owners were not present at the hearing.

Margaret Godfrey, code compliance, presented the case. She stated that there was an ordinance change the day before the September hearing allowing for the structure to be 25ft tall instead of 15ft tall. She also stated that the Potters were seeking administrative remedies via a variance. Once that ordinance passed, they didn't need a variance, the permit was reopened and a final inspection was approved. She requested that due to the circumstances, the fine be reduced to zero.

November 20, 2019

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to reduce the fine to Zero.** After Member Zahn Nadeau the motion, it **CARRIED** unanimously with voice vote.

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UNFINISHED BUSINESS

- A. As Entertained by Chairman none**
- B. As Entertained by Board Attorney none**
- C. As Entertained by Staff Attorney none**
- D. As Entertained By Staff Chief Building Official announced that Mike Nelson was retiring and that this was his last code enforcement board hearing.**

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ADJOURNMENT

There being no further business to discuss before the Board, the meeting adjourned at 3:06 p.m.

Respectfully submitted,

Margaret C Godfrey
Acting Code Enforcement Board Clerk

November 20, 2019

CERTIFICATE

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

I, Margaret C Godfrey, Acting 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 the 20th day of November, 2019 at 123 West Indiana Avenue, Deland, Florida.

WITNESS MY HAND this 31ST day of December, 2019, in the City of DeLand, County of Volusia, State of Florida.

**Margaret C Godfrey
Acting Code Board Clerk**

November 20, 2019