



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

December 15, 2021

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

MEMBERS PRESENT

**Chad Lingenfelter, Chair
Andrew Hall, Vice-Chair
Clement Nadeau
Donald Needham
Pete Zahn
Rick Dwyer
Harry Wild
Charles Cino, Board Attorney (Via Webinar)**

MEMBERS ABSENT

STAFF PRESENT

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

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APPROVAL OF MINUTES

Member Nadeau moved to approve the minutes from the November 17, 2021 hearing. Member Needham seconded the motion which carried unanimously by voice votes.

*** * * * ***

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

December 15, 2021

IX. Unfinished Business

CEB2020318 – US BANK TRUST NATL ASSOC TR

Sheriff Served

Complaint No. 20191213009

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: 281 W Davis St, Deleon Springs 32130

Parcel No. 694301270171

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jan 18, 2020

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

*Final Order Imposing Fine Lien issued at the April 21, 2021 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 22, 2021:

Order of Compliance

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

CEB2020319 - US BANK TRUST NATL ASSOC TR

Sheriff Served

Complaint No. 20191213010

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

Property Location: 281 W Davis St, Deleon Springs 32130

Parcel No. 694301270171

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jan 18, 2020

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

*Final Order Imposing Fine Lien issued at the April 21, 2021 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 22, 2021:

Order of Compliance

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

December 15, 2021

CEB2020321 - US BANK TRUST NATL ASSOC TR

Sheriff Served

Complaint No. 20191213012

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: 281 W Davis St, Deleon Springs 32130

Parcel No. 694301270171

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jan 18, 2020

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

*Final Order Imposing Fine Lien issued at the April 21, 2021 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 22, 2021:

Order of Compliance

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

CEB2020322 - US BANK TRUST NATL ASSOC TR

Sheriff Served

Complaint No. 20201228009

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: 281 W Davis St, Deleon Springs 32130

Parcel No. 694301270171

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on

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

*Final Order Imposing Fine Lien issued at the April 21, 2021 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 22, 2021:

Order of Compliance

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

December 15, 2021

CEB2021030 - US BANK TRUST NATL ASSOC TR

Sheriff Served

Complaint No. 20191213013

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: 281 W Davis St, Deleon Springs 32130

Parcel No. 694301270171

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jan 18, 2020

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

*Final Order Imposing Fine Lien issued at the April 21, 2021 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 22, 2021:

Order of Compliance

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

CEB2021031 - US BANK TRUST NATL ASSOC TR

Sheriff Served

Complaint No. 20191213014

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: 281 W Davis St, Deleon Springs 32130

Parcel No. 694301270171

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jan 18, 2020

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

*Final Order Imposing Fine Lien issued at the April 21, 2021 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 22, 2021:

Order of Compliance

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

December 15, 2021

CEB2021002 - VIZIER INVESTMENTS CORP

Served

Complaint No. 20190626041

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: 875 W Lansdowne Ave, Orange City 32763

Parcel No. 800307001150

Zoning: R-4

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Jul 03, 2019

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

*Final Order Imposing Fine Lien issued at the May 19, 2021 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 16, 2021:

Order of Compliance

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

CEB2020137 - PHANEUF DONALD J

Served

Complaint No. 20200727051

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

Property Location: 301 Harbor Tr., Enterprise 32725

Parcel No. 910804000010

Zoning: R-3(1)EA, RCEA

Environmental Specialist II - Todd Hannah

Property owner was first notified of the violation on D Phaneuf 8-3-20

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

*1st Amended Order of Non-Compliance issued at the May 19, 2021 hearing:

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

*A Report and Affidavit of Compliance was submitted with a compliance date of November 23, 2021:

Order of Compliance

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

December 15, 2021

CEB2020030 - CASTANEDA FELIX & FACUNDA

Posted

Complaint No. 20200106046

Violation of ORDINANCE: Code OF Ordinance-County of Volusia Chapter 58, Health & Sanitation SEC. 58-36: Violations and Declaration of Nuisance. Article II Grass/weeds in excess of 12 inches, yard trash, rubble, debris, and/or waste

Property Location: 110 Wiley Ave, Deland 32724

Parcel No. 700304000290

Zoning: R-3A

Code Compliance Officer - Robert Chayer

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

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

Hearing to Impose Fine/Lien

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

Robert Chayer, code compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert stated his last inspection was on 11-29-2021 and there have been no changes.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing January 20, 2022 and to continue until compliance is achieved, but not to exceed \$10,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES Chapter 58, Health & Sanitation SEC. 58-36.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021302 - CASTANEDA FELIX & FACUNDA

Posted

Complaint No. 20210712032

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

Property Location: 110 Wiley Ave, Deland 32724

Parcel No. 700304000290

Zoning: R-3A

Code Compliance Officer - Robert Chayer

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

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

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing January 20, 2022 and to continue until compliance is achieved, but not to exceed \$10,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2020038 - PHANEUF DONALD J

Served

Complaint No. 20200218017

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). Built shed and deck.

Property Location: 301 Harbor Tr., Enterprise 32725

Parcel No. 91080400010

Zoning: R-3(1)EA, RCEA

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 2-27-20

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

*1st Amended Order of Non-Compliance issued at the May 19, 2021 hearing:

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

Hearing to Impose Fine/Lien

Bob Foster, Attorney was present at the hearing for this case.

Chris Hutchison, Code Compliance Manager, presented the case in Margaret's absence. Chris went over the case details, showing photos. Chris stated that Mr. Foster brought in the last piece of information that we need to verify and we are asking for an amended order until January. Chris added that he does not believe this case will be back before the Board. Chairman Lingenfelter asked Mr. Foster if he was good with this recommendation. Mr. Foster said yes.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the January 19, 2022 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2020239 - JESKE FRANK D ETAL

Served

Complaint No. 20200626026

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). Dock

Property Location: 3216 S Peninsula Dr., Daytona Beach 32118

Parcel No. 533501100230

Zoning: R-3

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Oct 03, 2020

*Order of Non-Compliance issued at the November 18, 2020 hearing:

*1st Amended Order of Non-Compliance issued at the December 16, 2020 hearing:

*2nd Amended Order of Non-Compliance issued at the January 20, 2021 hearing:

*3rd Amended Order of Non-Compliance issued at the June 16, 2021 hearing:

Hearing to Impose Fine/Lien

Frank Jeske was present via Webinar at the hearing for this case.

Debbie Zechnowitz, code compliance and Julie McCrystal, Environmental Specialist II, presented the 4 cases together. Debbie went over the case details, showing photos. Debbie stated there is a permit issued and is good until February 2022 and she was requesting a 3rd Amended Order to the March meeting. Motions were made on cases ending in 259 and 260. Debbie then stated for case ending in 239 that there is an application currently in review and is good to February. Debbie added that there is a site meeting scheduled for this coming Friday to meet with the Fire Marshal. Debbie then stated she wants a 4th Amended Order to the March meeting. Chairman Lingenfelter then asked Mr. Jeske if he was fine with the recommendations thus far. Mr. Jeske stated yes. Julie then spoke on case ending in 237 and said we know he is working on the permits and she is also recommending a 4th Amended Order to March.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 4th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the March 16, 2022 hearing.** After Member Hall **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

CEB2020259 - JESKE FRANK D ETAL

Served

Complaint No. 20201001052

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Residential interior / exterior renovation. Building; Electrical; Mechanical; Plumbing. May not be a complete list.

Property Location: 3216 S Peninsula Dr., Daytona Beach 32118

Parcel No. 533501100230

Zoning: R-3

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Oct 03, 2020

*Order of Non-Compliance issued at the November 18, 2020 hearing:

*1st Amended Order of Non-Compliance issued at the December 16, 2020 hearing:

December 15, 2021

*2nd Amended Order of Non-Compliance issued at the January 20, 2021 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the March 16, 2022 hearing.** After Member Hall **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

CEB2020260 - JESKE FRANK D ETAL

Served

Complaint No. 20201001065

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: 3216 S Peninsula Dr., Daytona Beach 32118

Parcel No. 533501100230

Zoning: R-3

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Oct 03, 2020

*Order of Non-Compliance issued at the November 18, 2020 hearing:

*1st Amended Order of Non-Compliance issued at the December 16, 2020 hearing:

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

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE, with a Hearing to Impose Fine set for the March 16, 2022 hearing.** After Member Hall **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

CEB2020237 - JESKE FRANK D ETAL

Served

Complaint No. 20200821017

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

Property Location: 3216 S Peninsula Dr, Daytona Beach 32118

Parcel No. 533501100230

Zoning: R-3

Environmental Specialist II - Todd Hannah

Property owner was first notified of the violation on 10-5-20

*Order of Non-Compliance issued at the November 18, 2020 hearing:

*1st Amended Order of Non-Compliance issued at the December 16, 2020 hearing:

*2nd Amended Order of Non-Compliance issued at the January 20, 2021 hearing:

*3rd Amended Order of Non-Compliance issued at the June 16, 2021 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 4th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884, with a Hearing to Impose Fine set for the March 16, 2022 hearing.** After Member Hall **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021036 - B & B UNDERGROUND & DRILLING INC Served

Complaint No. 20200823002

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

Property Location: 1297 Duroc Dr., Lake Helen 32744

Parcel No. 713200000090 Zoning: 999, A-1, A-2

Environmental Specialist II - Julie McCrystal

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

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

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

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

*3rd Amended Order of Non-Compliance issued at the November 17, 2021 hearing:

Hearing to Impose Fine/Lien

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

Julie McCrystal, Environmental Specialist, presented the case. Julie went over the case details, showing photos. Julie said a permit has been issued on December 14, 2021 and has an expiration date of June 12, 2022.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 4th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884, with a Hearing to Impose Fine set for the June 15, 2022 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021156 – LANDAKER KELLY L

Served

Complaint No. 20210220013

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Addition, windows, doors, may not be a complete list

Property Location: 33 Alamanda Dr., Ormond Beach 32176

Parcel No. 420313000170

Zoning: R-5

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*2nd Amended Order of Non-Compliance issued at the November 17, 2021 hearing:

Hearing to Impose Fine/Lien

Kelly Landaker was present via Webinar at the hearing for this case.

Chris Hutchison, Code Compliance Manager, presented the case in Margaret's absence. Chris went over the case details, showing photos. Chris stated the RES permit for the foundation work expired on 11-2-2021 due to lack of activity. Chris added there is still no application submitted for the addition. Ms. Landaker stated she did mail Margaret a copy of the foundation repair which she believes is the last thing needed. Ms. Landaker said she also forwarded the contract APD estimate to Margaret. Chairman Lingenfelter asked Ms. Landaker if her contractor was going to submitting for a permit and new application. Ms. Landaker said Yes Sir he is. Chairman Lingenfelter than asked staff how they felt after hearing that testimony. Chris stated we still haven't received an application yet and our recommendation is for fines to start in January but if the Board wants to push it out until February, he is fine with that too. Ms. Landaker asked if all that was needed is the paperwork that shows she paid the \$10,000.00 and sent the contract. She added she has done everything that was asked of her. Chairman Lingenfelter said we need a permit application submitted and a permit issued. Ms. Landaker said she understands that, but she did send them the money and now that's on them because she has only hired contracted, insured people. Chairman Lingenfelter explained that being the property owner it all falls on you to make sure your contractors are doing what they are supposed to do. Ms. Landaker asked after they start work, which should be this week, if she should send the paperwork from that because she can only make people work so fast. Member Zahn added the permit needs to be in hand before work starts. Ms. Landaker said yes sir. Chairman Lingenfelter added so Permit applications submitted, permits issued, permit picked up, and work begins, inspections are caller in, it's finalized and asked if she thought this could all be done by January 20th or if more time would be needed to get this project fully completed. Ms. Landaker said hopefully she can and added it has been hard finding someone that actually shows up for work and that she is doing the best that she can do.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day commencing February 17, 2022 and to continue until compliance is achieved, but not to exceed \$10,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.**

After Member Needham **SECONDED** the motion, Member Dwyer opposed, it **CARRIED** by voice vote.

December 15, 2021

CEB2021182 - CHRISTIAN HEALING CENTER INC**Served**

Complaint No. 20201027051

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Converting an unfinished garage in to usable space with an office, new roof on the garage, structural garage door replaced with residential door, may not be a complete list.

Property Location: 1120 Saul Rd, Pierson 32180

Parcel No. 581100000209**Zoning: A-1****Code Compliance Officer - Robert Chayer**

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

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

Hearing to Impose Fine/Lien

Daniel Murray, Director of Center was present at the hearing for this case.

Robert Chayer, code compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert stated his last inspection was back in August and went through photos showing work that was done without permits. Chairman Lingenfelter asked what the second case was for. Robert stated a Use where not permitted. Mr. Murray said that they have only 8 acres of property and should not be zoned A1. Mr. Murray added that they were permitted as a use of ministries by the state and they are tax exempt by the state and the first charge there is no basis of it and added we can operate as a church. Chairman Lingenfelter said we are talking about the use of the property, you're a non-conforming lot in A1, you can still be zoned A1, you just don't have the minimum acreage but your still A1. Chairman Lingenfelter asked Mr. Murray what zoning he thought they are. Mr. Murray said we are zoned as a Church and Chris Hutchison agreed we are a church now. Chairman Lingenfelter said the zoning is A1 and in A1 is a list of permitted uses, which some of them require a special exception, is this one you need to do that for. Chris Hutchison, Code Compliance Manager, stated they had a pre application meeting with zoning but at this time nothing has been submitted. Chairman Lingenfelter than asked if they need to apply for a special exception for a house of worship in A1. Chris said he doesn't believe you can get a special exception for a house of worship, Chris added they would have to rezone the property. Chairman Lingenfelter than asked Mr. Murray if he has submitted an application to rezone the property. Mr. Murray said he received a letter form Chris Hutchison stated he can use the property. Chairman Lingenfelter pointed out who Chris Hutchison was and Chris stated he has not sent no such letter. Chairman Lingenfelter asked if he was part of a meeting talking about rezoning the property. Mr. Murray said no he was never informed of one. Chairman Lingenfelter pointed out that there is obviously a disconnect here. Member Zahn asked if he was on the project. Robert stated he is the registered owner. Mr. Murray said that was a mistake, that the property was temporarily transferred to his name and had it put back. Chairman Lingenfelter asked who the members of Christian Healing Center Inc. are. Mr. Murray said the Board of Directors. Chairman Lingenfelter asked if Mr. Murray was one of the members. Mr. Murray said yes. Sebrina Slack added that a House of Worship is allowed in A1, however you have to have 10 acres, so this is an acreage issue. Mr. Murray found the letter from Susan Foster a zoning technician that says the property is zoned A1 and a house of worship is a permitted use of the property. Chairman Lingenfelter asked

December 15, 2021

if the compliance staff has seen this letter. Robert said no. Sebrina added that they had a pre application meeting advising him what needed to be done to bring the property into compliance. Mr. Murray than passed the letter he received from Zoning around. Chairman Lingenfelter asked about the construction without permits case. Mr. Murray said the complaint is not correct, he said they did not add a new roof or office. Mr. Murray said they did some interior painting and cleaning up as it was a greasy garage and was all messed up and they improved the property internally. Mr. Murray said they did have a garage door added. Chairman Lingenfelter asked what about the AC unit. Mr. Murray said they don't have an AC Unit. Chairman Lingenfelter pointed it out in the picture. Mr. Murray said oh yeah those are on the wall, not outside. Robert said they are not permitted. Mr. Murray stated he didn't know that. Chairman Lingenfelter noted in the letter Susan Foster advised on May 28, 2021 that permits would be needed to do any renovations or changes to the buildings. Mr. Murray said they were already done before he was told that. Chairman Lingenfelter asked when he purchased the property and if the AC was there before. Mr. Murray said in 2016 and that he put the AC in. Chairman Lingenfelter said either way it's occurred on the property and you're a board member. Robert added as he said when he got it, it was a greasy old garage and this is definitely not a greasy garage now. Chairmen Lingenfelter said there's been electrical work, exterior door work and other things that would require a permit. Mr. Murray said because of Covid, nobody has come to their ministry and they have had no donations. Chairman Lingenfelter said that we are here for compliance of the coded and the codes make sure contractors or whoever does the work does it in a safe and proper manner. Mr. Murray said they hired a contractor and Chairman Lingenfelter said that contractor should have got a permit. Mr. Murray said the contractor closed his business and he now has a new contractor to do the work. Chairman Lingenfelter asked how long would be needed per the new contractor to get the work completed. Mr. Murray said probably 2 months. Chairman Lingenfelter discussed the prevention inspection and Robert stated we don't do that until we have a permit application. Member Needham asked if there are any life and safety issued on this property. Robert said not that he is aware of but we haven't had an opportunity to inspect any electrical out there. Robert added that there are notes back from 2017 that discuss the combination of lots and things like that and one of the reasons that he hasn't been able to get the church out there is because there's a lot of different things that have to go through. Robert stated that they did have a meeting back in August and he guessed the best route was for rezoning because it wasn't going to be able to do what he wanted to do currently due to the question of who owned which parcel and who was combining what and it was a big mess. Robert said we've got no paperwork whatsoever as far as getting the property rezoned. Member Needham asked if that was the most logically way to proceed. Robert said yes. Member Needham than asked Mr. Murray if he understood. Mr. Murray said he needed help understanding. Member Needham than explained the process of the Board and the process of rezoning. Chairman Lingenfelter asked how staff would feel if the fine didn't start in January. Robert said he would prefer to stick with what he has on the screen pending an application for rezoning. Kerry Leuzinger said that he was at the property a little over a year ago and didn't see any life safety issues or anything that would be of immediate concern. Kerry added Christian Nagle from the Zoning Department came in and mentioned the rezoning could take a while. Chairman Lingenfelter said that per the letter he is going to have to rezone or find 10 acres to combine. Mr. Murray said according to the letter he doesn't have to. Chairman
December 15, 2021

Lingenfelter said the letter was to give advice on a couple of options. Member Zahn said the letter says to rezone. Mr. Murray said he took it as it was already zoned a church. Chairman Lingenfelter said the property is zoned A1 and to have a house of worship on A1 you will need 10 acres. Sebrina confirmed this and the rezoning process was discussed.

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day commencing January 20, 2022 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1. The Board also requested these cases be brought back on January 19, 2022 for a Progress Update.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021183 - CHRISTIAN HEALING CENTER INC

Served

Complaint No. 20201027050

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

Property Location: 1120 Saul Rd, Pierson 32180

Parcel No. 581100000209 Zoning: A-1

Code Compliance Officer - Robert Chayer

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

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

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day commencing January 20, 2022 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241. The Board also requested these cases be brought back on January 19, 2022 for a Progress Update.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021185 - DENITHORNE BROTHERS INC

Posted

Complaint No. 20200723026

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: 3936 Oriole Ave, Port Orange 32127

Parcel No. 631203001881

Zoning: R-9(S)

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Apr 16, 2021

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

*1st Amended Order of Non-Compliance issued at the September 15, 2021 hearing:

Hearing to Impose Fine/Lien

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

Debbie Zechnowitz, code compliance, presented the case. Debbie went over the case details, showing photos. Debbie stated that the 1st amended order was issued at the September hearing because Nicole Murray, the girlfriend of one of the owners, was here and said she would obtain the permit. Debbie added that there have been no permit applications and no further contact.

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$25.00 per day commencing January 20, 2022 and to continue until compliance is achieved, but not to exceed \$23,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b).** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021187 - Richard C and Karen J Gilman

Posted

Complaint No. 20210303082

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

Property Location: 1310 Duroc Dr., Lake Helen 32744

Parcel No. 713200000065

Zoning: A-1

Code Compliance Officer - Isiah Pitts

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

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

Hearing to Impose Fine/Lien

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

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated his last inspection was on 12-15-2021 and the property is still in violation and no permits have been put in. Chairman Lingenfelter asked if there has been any correspondents with the owner. Isiah said no contact other than the email they sent at the last hearing.

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing January 20, 2022 and to continue until compliance is achieved, but not to exceed \$30,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021222 - FLIP IN STYLE LLC

Served

Complaint No. 20210809051

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Mechanical; Ext doors; Kitchen; Interior renovations; Interior partition removal; Covered work. Building, Mechanical, Electrical, Plumbing Permitting & inspections required. May not be a complete list. 8/9/21.

Property Location: 212 N Sheridan Ave, Deland 32720

Parcel No. 700705000260

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 8-12-21

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

Hearing to Impose Fine/Lien

Sedika was present at the hearing for this case.

Chris Hutchison, code compliance manager, presented the case in Margaret's absence. Chris went over the case details, showing photos. Chris stated on 11-3-21 a RES permit application was submitted and then cancelled on 11-29-21 due to being incomplete. Chris added the following information request was sent to the contractor of record, Byron Bonyadi, floor plans signed and sealed by a design professional, information regarding the French doors replacing the sliding glass doors and an AHRI for mechanical change out. Due to the permit not being issued for the completed work a prevention inspection was not conducted. Chairman Lingenfelter asked if there has been a response from Byron. Chris said he hasn't heard of any response and Maggie didn't indicate that she had any. Margaret's presentation stated there have been no permit applications to date and the cited conditions remain unchanged and she is recommending fines in the amount of \$100.00 per day start on January 20, 2022 with a cap of \$15,000.00. Member Dwyer asked Chris if the information that was sent to the contractor of record, was also sent to the owner of record. Chris said he can't answer that and usually it's sent to the contractor because that's the contact information that's put on the permit. Chairman Lingenfelter asked Sedika what became of the correspondence back to Byron and if she was familiar with the issues to get the permit. Sedika said she hired Byron and made payment for him to get the after the fact permits. Sedika said she was at a meeting on the property that went over what needed to be done and it was put in a report. Sedika said that once Byron was hired he looked at the report. Sedika said that when Byron applied for the permits, he did not receive and response from the court. Sedika said she came here last week to ask what was going on and if she had to keep her court date or if she could have an extension. She was told that an email was sent to Byron on November 4th. Sedika said she has a copy of the email she sent, she immediately contacted Byron, who told her he did not receive an email. Sedika said he is resubmitted everything and yesterday was the appointment for the architect people to do the drawings. Chairman Lingenfelter asked when Byron told you he was going to submit a new application and asked Chris if a new application had been submitted. Chris said this would be done through Connect Live. Chairman Lingenfelter stated that it sounds like the contractor did not receive the email. Member Nadeau asked Chris what his recommendation would be now given the information. Chris stated he didn't have a problem with going with an amended order.

December 15, 2021

Chairman Lingenfelter explained what an Amended Order does. Chris added that he just got word that a new permit application was filed on December 7, 2021. Chairman Lingenfelter said very good and added Byron is doing his job for you, which is good news.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the February 16, 2022 hearing.** After Member Zahn **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

CEB2021237 - MCMILLION CHARLES

Served

Complaint No. 20180829036

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). Detached metal open side carport with no evidence of required permits or inspection approvals

Property Location: 3751 General Marshall Rd, Daytona Beach 32124

Parcel No. 620601140070

Zoning: R-4(5)A

Zoning Compliance Officer - Debbie Zechnowitz

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

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

Hearing to Impose Fine/Lien

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

Debbie Zechnowitz, code compliance, presented the case. Debbie went over the case details, showing photos. Debbie stated she has had contact with the property owners' son, who asked for more time to remove the carport as his father was put into long term care. Debbie added that he was planning to come down to Florida but called the other day saying he was unable to get here until January. Chairman Lingenfelter asked if they could get a permit for the carport. Debbie said no it has to be removed as they have exceeded their lot coverage.

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the January 19, 2022 hearing.** After Member Hall **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021256 - ELISABETH & COLIN KNIGHTS

Served

Complaint No. 20210611001

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

Property Location: 375 E Country Circle Dr., Port Orange 32128

Parcel No. 720102001070

Zoning: A-2, RC, RR

Environmental Specialist II - Todd Hannah

Property owner was first notified of the violation on 8-30-21

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

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

Hearing to Impose Fine/Lien

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

Julie McCrystal, Environmental Specialist, presented the case. Julie went over the case details, showing photos. Julie said this particular property wetlands are adjacent to Spruce Creek which is an outstanding Florida waterway. Julie said she went to the property on December 9th and there was a lot of erosion going on. Julie added she did just receive the wetland delineation on 12-9-2021. Julie said the owner sent an email saying the Survey should be completed by mid-January and he would get all the permits submitted the beginning of February and said she is recommending that fines start February 17th. Chairman Lingenfelter asked if that is because they are stalling. Julie said it is to make sure he is moving forward with it. Julie added that there was a 50 foot buffer when the house was built and we allowed 25 feet of that buffer to be impacted, the owner has pretty much done 100% impact of the buffer and into the wetlands. Chairman Lingenfelter asked if the silt fencing was holding the erosion. Julie said no and she needs to contact him on that issue.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day commencing February 17, 2022 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021271 - SOVALL MANAGEMENT GROUP LLC

Served

Complaint No. 20210811038

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

Property Location: 1534 Lakeside Dr., Deland 32720

Parcel No. 792302000110

Zoning: R-3

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on

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

Hearing to Impose Fine/Lien

Sandi Kracht, Attorney was present via Webinar at the hearing for this case.

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated his last inspection was on 12-14-2021 and they have secured the back of the building. Paul Traider, Contractor Licensing Investigator, said he doesn't have an open case on this property but there are concerns. Paul added that the photos shown on slide 9 represent 2 things, 1 there's been demolition of the interior finishes and services so full permitting is going to be required via a licensed contractor to make the house habitable again, and the 2nd concern is, if the electric is on to the building, the department is going to have the power disconnected for unsafe conditions as the electrical that's unprotected and hanging is a hazardous condition. Paul said those are his concerns and they are going to check into the power and make sure things are permitted as it should be. Isiah added that if you look at the photo you can see that the light is on. Isiah said that staff recommendation was to dismiss and refer to CLCA, but now we want to change this as they have secured it and would like this case dismissed all together and he will open a new case for VN1, working without permits. Member Dwyer asked why just dismissing this to open a new one. Isiah said because they have secured the property and they are wanting to save the property, but they do have work that they did without permits that need to be addressed if they are going to keep the building. Member Dwyer then asked can't you do this under the existing case. Chairman Lingenfelter said the new case would need to be opened so it's citing the correct section of doing work without permits. Member Zahn asked Isiah if he had spoken with Sandi the attorney on these issues. Isiah stated no but he has talked with the owner and she was frantically trying to resolve the issue of securing the building. Chairman Lingenfelter then asked Sandi what she would like to tell them about the property since staff's recommendation is to dismiss and start a new case regarding the work without permits. Sandi said she believes that would be okay and the homeowners are in the process of refinancing at the moment in order to pull the cash out to go ahead and renovate the property. Sandi said the owners expect it to be done by March and has a contractor lined up already.

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

December 15, 2021

CEB2021312 - LOS DIAZ PROPERTIES LLC

Served

Complaint No. 20210909006

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

Property Location: 415 E Country Circle Dr., Port Orange 32128

Parcel No. 720102001030

Zoning: RC, RR

Zoning Compliance Officer - Debbie Zechnowitz

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

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

Hearing to Impose Fine/Lien

Felipe Cruz was present via Webinar at the hearing for this case.

Debbie Zechnowitz, code compliance, presented the case. Debbie went over the case details, showing photos. Debbie stated we have a permit that is ready to be issued and is good until June 11, 2022. Debbie added we still need a permit for the out building. Chairman Lingenfelter asked Mr. Cruz about the permit for the out building. Mr. Cruz asked if they were talking about the barn. Debbie said yes. Mr. Cruz said we are only fixing the roof and a beam and asked if they needed another permit for that. Chairman Lingenfelter said Debbie is nodding her head yes. Mr. Cruz said they are working on that one and it should be ready soon. Mr. Cruz is okay for the amended order and hearing to fine in March.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE, with a Hearing to Impose Fine set for the March 16, 2022 hearing.** After Member Wild **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

December 15, 2021

X. Hearings and Presentation of Filed Notices of Violations

CEB2021119 - Jeremy Siebert

Posted

Complaint No. 20201104036

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 Fence permit

Property Location: 1329 W Taylor Rd, Deland 32720

Parcel No. 701900000181 Zoning: RR

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Jan 20, 2021

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

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah said the property was first observed on 11-4-2020 and the notice of violation was posted on 1-15-2021 and the notice of hearing was posted on 5-4-2021. Isiah said his last inspection was on 12-14-2021 and there is a permit on file for half of the fence and the other half is not permitted and he did not finish the permit process. Isiah added that he also has an expired electrical permit that needs to be renewed. Chairman Lingenfelter asked Isiah on the picture in slide 2 if it was the fence along some type of alley. Isiah said yes it's the L shape and there is a 4 foot area further back that didn't get finished with permits.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of January 14, 2022 and a Hearing to Impose Fine is set for the January 19, 2022 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021214 - Jason Lee

Served

Complaint No. 20210301049

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 permits

Property Location: 117 Poinciana Ln, Deltona 32738

Parcel No. 911001030190

Zoning: R-4EA

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Apr 01, 2021

Jason Lee was present at the hearing for this case.

Isiah Pitts, code compliance, and Julie McCrystal, environmental specialist, presented the 4 cases together. Isiah went over the case details, showing photos. Isiah said the property was first observed on 3-1-2021 and the notice of violations were posted on 3-25-2021, 4-6-2021 and 4-26-2021. Isiah said on 12-2-2021 he posted the 3 Notice of Hearings. Isiah said that Jason did come in and submitted an application which was incomplete and engineer plans are in the mail and he was unable to provide the shed permit and he will give more information to that. Isiah went through his slides and stated Julie McCrystal and he were on the property on 4-5-2021 and had photos showing the fence and shed. Isiah showed another photo of the fill that was brought to the property as Mr. Lee was having erosion issues. Chairman Lingenfelter asked if the shed was like a roof pavilion. Isiah said it was both. Mr. Lee said the pavilion was permitted 5 years ago when he built it. Member Hall asked so he built a retaining wall and brought in fill. Isiah said yes. Member Hall then asked if that needed to be put into the permit as well. Mr. Lee said he has to pull the permit for the retaining wall, and once he has that he can then get the permits for the other issues. Isiah stated Julie McCrystal's slide will have better photos. Julie showed photos from 4-5-2021 that showed clearing all the way through the buffer area. Julie added his property does not go all the way down to the water and that it only goes down halfway through the embankment. Julie showed aerial photos date 1-27-2020 that showed the fence being approximately 27 feet from the back of the house and then a photo on 1-17-2021 that shows the fence pushed back approximately 40 feet, so he has about 13 feet of additional fill. Julie said on 4-21-2021 she emailed the owner a list of action steps that are required and requested he set up a pre application meeting. The pre Application meeting was on 6-8-2021 and the owner was given 3 months to obtain a survey and engineered drawings. Julie said she set the case for code board on 9-10-2021 and the owner thought the contractor had turned in the plans. On 9-15-2021 an email was received from the owner saying he was having a difficult time getting the plans from the contractor. On 10-20-2021 another email was received saying they are still working on obtaining engineered plans. On 11-3-2021 and email was received saying the owner was meeting with another engineer. On 11-24-2021 Julie emailed the owner for an update and was told he was still waiting on the engineer to sign the plans and he would submit everything together. On 11-29-2021 she received an email from the owner stating he has obtained the survey and was hoping to have the engineered plans for the retaining wall soon. On 12-8-2021 the owner emailed saying he has not been able to apply for the permit. This morning the owner came in, he has all applications in hand and still waiting on engineered plans for the retaining wall. Julie said they did discuss some options for restoration of the buffer and the owner is going to get with the engineer for some sort of

December 15, 2021

letter stating they are working on the plans. Member Needham asked about her trying to gain access to the property and wondered if that indicated there was no effort to help from the owner. Julie said no the first time she went there was a notice on the door that said do not knock, so she sent an advisory notice instead. Julie said that when she got the complaint from the neighbor, they were invited onto their property to go ahead a view it, Julie added Mr. Lee did respond to Isiah's advisory notice and invited them to the property. Chairman Lingenfelter asked if everything looks permittable. Julie said she believes so. Chairman Lingenfelter asked Mr. Lee if he anything to add. Mr. Lee said he has just been fighting with engineers and contractor. Chairman Lingenfelter asked if there was any word since this morning. Mr. Lee said yes the engineer said after his meeting he would be sending information.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of February 9, 2022 and a Hearing to Impose Fine is set for the February 16, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021215 - Jason Lee

Served

Complaint No. 20210405020

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-293 A landfill without the required permits, exemptions, and or approvals

Property Location: 117 Poinciana Ln, Deltona 32738

Parcel No. 911001030190

Zoning: R-4EA

Code Compliance Officer - Isiah Pitts

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

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-293 With a compliance date of February 9, 2022 and a Hearing to Impose Fine is set for the February 16, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021216 - Jason Lee

Served

Complaint No. 20210414103

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: 117 Poinciana Ln, Deltona 32738

Parcel No. 911001030190

Zoning: R-4EA

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on 8-5-21

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

December 15, 2021

of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277 With a compliance date of February 9, 2022 and a Hearing to Impose Fine is set for the February 16, 2022 hearing. After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021274 - Jason Lee

Served

Complaint No. 20210421058

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

Property Location: 117 Poinciana Ln, Deltona 32738

Parcel No. 911001030190 Zoning: R-4EA

Environmental Specialist II - Julie McCrystal

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

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884 With a compliance date of February 9, 2022 and a Hearing to Impose Fine is set for the February 16, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021264 – GALSTYAN VAGE & DAVITYAN LERNIK Served

Complaint No. 20191227001

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Dock construction without the required permit(s) and/or inspection approval(s). Dock and Boat lift no permits

Property Location: 2624 Flowing Well Rd, Deland 32720

Parcel No. 792305000400 Zoning: R-3

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Feb 03, 2020

Continued to Feb 16, 2022

December 15, 2021

CEB2021283 - BUSBEE ROSEMARY SUE

Served

Complaint No. 20210729063

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: 1315 San Jose Blvd, Daytona Beach 32117

Parcel No. 424219140090

Zoning: R-5

Code Compliance Officer - Peter Hinson

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

Kelly Anderson, Daughter, was present via Webinar at the hearing for this case.

Peter Hinson, code compliance, presented the 3 cases together. Peter went over the case details, showing photos. Peter said the cases started in August of 2019. Peter added he adopted the case from Robert Chayer back in January and he has given a lot of leeway. Peter added they were making good progress but the progress has kind of stopped so we are at this point. Peter said that Ms. Busbee passed away some time ago and her daughter Kelly Anderson has taken responsibility for the property. Peter added that recent inspections were on 12-1-2021 and 12-14-2021 which the junk was removed from the front part of the property, the vehicles were still there and the house is still in poor condition. Peter stated they believe some squatters have been coming to the property bringing junk which is putting her at a disadvantage. Chairman Lingenfelter asked if Peter was still wanting to pursue the junk yard case. Peter said his recommendation for that was an Order of Non Compliance and Dismissal and he is recommending an Order of Non Compliance with a compliance date of January 5th for the other 2 cases. Chairman Lingenfelter asked Kelly if she would be able to get rid of the 4 vehicles by mid-January. Kelly said hopefully she can get rid of them by then, if she can get someone to go out and get them. Kelly added she was told that one of the vehicles has a tree growing up under the SUV. Kelly said she is not able to do much, that she is not able to pick up anything. Kelly said she can fix the window but the rest of it she will have to have someone else come in but right now financially she has been out of work since August due to an accident and asked if she could have at least until February to have people finish the work. Member Zahn asked if they are willing to give to February and Peter stated he was willing to give more time.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE With a compliance date of February 10, 2022 and a Hearing to Impose Fine is set for the February 16, 2022 hearing.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021284 - BUSBEE ROSEMARY SUE

Served

Complaint No. 20190627036

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

Property Location: 1315 San Jose Blvd, Daytona Beach 32117

Parcel No. 424219140090 Zoning: R-5

Code Compliance Officer - Peter Hinson

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

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance and Order of Dismissal for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021285 - BUSBEE ROSEMARY SUE

Served

Complaint No. 20190627038

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: 1315 San Jose Blvd, Daytona Beach 32117

Parcel No. 424219140090 Zoning: R-5

Code Compliance Officer - Peter Hinson

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

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 With a compliance date of February 10, 2022 and a Hearing to Impose Fine is set for the February 16, 2022 hearing.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021298 - MUSE STEWART C**Posted**

Complaint No. 20201030012

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

Property Location: 375 Starting Gate Rd, Osteen 32764

Parcel No. 92100000330**Zoning: A-1****Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Jun 21, 2021

Stewart Muse was present at the hearing for this case.

Isiah Pitts, code compliance, presented the 4 cases together. Isiah went over the case details, showing photos. Isiah said the property was first observed on 10-30-2020 and he posted 3 notice of violations on 6-10-2021 and on 9-30-2021 he posted another notice of violation and 4 notice of hearings. Isiah said his last inspection was on 12-14-2021 and the property remains in violation. Chairman Lingenfelter asked what portion of the barn was added. Isiah showed the photo from property appraisers and said it was the portion south of the rusted roof. Member Wild asked Isiah if they have been removing the cars. Isiah said he has called several times saying he did and was sure he had receipts but hasn't provided any information to him. Mr. Muse said he had a salvage yard and lost his lease so he brought everything to the property to store it until he could find another property, he wasn't able to find another piece of property and then had all kinds of health problems. Mr. Muse said that he is just going to get rid of everything now. Chairman Lingenfelter asked what his time frame was for that. Mr. Muse said probably March to get all the equipment sold and everything. Member Needham asked Isiah if he has had access to the site. Isiah said if he allows me too. Mr. Muse said he would allow Isiah access. Mr. Muse added that he wanted to get his AG exempt back but when he filed for it last year he was told there was too much junk on the property, which he is getting rid of. When he gets the Ag exempt he can keep the building. Member Zahn said for the junkyard you said by March you'll have it cleaned up. Mr. Muse said yes, not only the junkyard but the contractor storage yard too. Member Zahn said the next one is vehicles which is the same as the junk. Mr. Muse said yes that's junk. Member Zahn said then for the contractor's storage yard without a final site plan, which won't be needed if you get rid of the junk. Mr. Muse said yes correct. Member Zahn added the last thing was construction without required permits, you had a permit in 2006. Mr. Muse said no he didn't have a permit in 2006, there was already a packing house there, a long time ago it was a farm and on the packing house was a loading dock and he covered it to store some hay in there. Mr. Muse said he had a friend who had 1300 acres to cut and wanted to store the hay in there. Mr. Muse said he had Ag exempt a year ago because the friend with the hay also had cows and would use the property, he moved to Virginia and took his cows. Member Zahn said, if you allow Isiah to come out and do an inspection on that and you figure out what is needed on getting the permit. Member Zahn added that we should keep the same timeframe on all the cases and then he can come back in March to show what's going on and of more time is needed we will give it. Mr. Muse said that if he gets the Ag exempt he can keep the whole building. Member Zahn said maybe, but that's a what if and we got a ways down the road before we find that out. Member Dwyer added the abandoned vehicles were noted in June, six months ago and asked if there had been progress of getting them removed. Isiah said Negative, nothing. Isiah said he

December 15, 2021

is okay on giving time if he is going to comply. Mr. Muse said he has receipts from the scrap yard and there was a total of 73 tons of scrap metal and 4.5 in tires. Member Needham said we should have a progress report that will show us you are doing exactly what you said you are going to do. Member Hall explained that with progress reports as long as you stay in communication with Isiah then you don't have to come back. Member Hall also added that hopefully by January you will have had time to meet on site and we can understand the permit issue better. Member Needham added to continue to work with Isiah.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a compliance date of March 10, 2022 and a Hearing to Impose Fine is set for the March 16, 2022 hearing. The Board also requested these cases be brought back on January 19, 2022 for a Progress Update.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021299 - MUSE STEWART C

Posted

Complaint No. 20201030014

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: 375 Starting Gate Rd, Osteen 32764

Parcel No. 92100000330

Zoning: A-1

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Jun 21, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 With a compliance date of March 10, 2022 and a Hearing to Impose Fine is set for the March 16, 2022 hearing. The Board also requested these cases be brought back on January 19, 2022 for a Progress Update.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021300 - MUSE STEWART C

Posted

Complaint No. 20210930014

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291 Contractors storage yard without a final site plan

Property Location: 375 Starting Gate Rd, Osteen 32764

Parcel No. 92100000330

Zoning: A-1

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Oct 05, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291 With a**

December 15, 2021

compliance date of March 10, 2022 and a Hearing to Impose Fine is set for the March 16, 2022 hearing. The Board also requested these cases be brought back on January 19, 2022 for a Progress Update. After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021301 - MUSE STEWART C

Posted

Complaint No. 20201030017

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: 375 Starting Gate Rd, Osteen 32764

Parcel No. 921000000330 Zoning: A-1

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Jun 21, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of March 10, 2022 and a Hearing to Impose Fine is set for the March 16, 2022 hearing. The Board also requested these cases be brought back on January 19, 2022 for a Progress Update.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021304 - WHITTAKER COURTNEY & REYNOLDS JILL Sheriff Served

Complaint No. 20211007052

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). Section 58-85 Notice of imminent danger applies to unsecured pools. Should any unsecured building, structure or property be deemed an imminent danger as set forth in this chapter, the building official is authorized, without CLCA approval, to secure the building, structure or property after notice has been provided to the property owner in accordance with subsection (c)

Property Location: 1140 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000180 Zoning: FR, RC

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on Sep 30, 2021

WITHDRAWN

CEB2021305 - WHITTAKER COURTNEY & REYNOLDS JILL Sheriff Served

Complaint No. 20211007044

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 Living in RV or RV connected to water, sewer or electric lines, where not permitted

Property Location: 1140 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000180 Zoning: FR, RC

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on Sep 30, 2021

Continued to March 16, 2022

CEB2021306 - WHITTAKER COURTNEY & REYNOLDS JILL Sheriff Served

Complaint No. 20210929077

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: 1140 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000180 Zoning: FR, RC

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on Sep 30, 2021

Continued to March 16, 2022

CEB2021307 - WHITTAKER COURTNEY & REYNOLDS JILL Sheriff Served

Complaint No. 20210929076

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).(shed, wrap around patio/porch, pole barn, awning over pool deck, electrical and may not be a complete list

Property Location: 1140 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000180 Zoning: FR, RC

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on Sep 30, 2021

Continued to March 16, 2022

December 15, 2021

CEB2021309 - WHITTAKER COURTNEY & REYNOLDS JILL Sheriff Served

Complaint No. 20211007050

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Accessory use or structure: Any use or detached structure clearly incidental, subordinate and related to the principal use or structure and located on the same lot with such principal use or structure. Provided however, a recreational vehicle; motor vehicle; mobile home; trailer or semi-trailer; railroad car; bus, truck or automobile body, or other similar unit shall not be used as an accessory structure or converted into an accessory structure even when altered, stripped or otherwise rebuilt
Property Location: 1140 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000180 Zoning: FR, RC

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on Sep 30, 2021

Continued to March 16, 2022

CEB2021311 - WHITTAKER COURTNEY & REYNOLDS JILL Sheriff Served

Complaint No. 20210927035

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

Property Location: 1140 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000180 Zoning: FR, RC

Environmental Specialist II - Julie McCrystal

Property owner was first notified of the violation on Sep 30, 2021

Continued to March 16, 2022

CEB2021308 - WHITTAKER JILL Sheriff Served

Complaint No. 20210929082

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: 1120 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000190 Zoning: FR, RC

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on Sep 30, 2021

Continued to March 16, 2022

CEB2021310 - WHITTAKER JILL Sheriff Served

Complaint No. 20210929080

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 owners re-conditioning the outside of the MH without permits (siding, windows, enclosing the porch, may not be a complete list.

Property Location: 1120 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000190 Zoning: FR, RC

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on Sep 30, 2021

Continued to March 16, 2022

December 15, 2021

CEB2021319 – DAVIS PAULA R

Posted

Complaint No. 20210422045

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: 1695 E Euclid Ave, Deland 32720

Parcel No. 70182800010

Zoning: R-3

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Apr 22, 2021

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

Isiah Pitts, code compliance, presented the 2 cases together. Isiah went over the case details, showing photos. Isiah said the property was first observed on 4-22-2021 and the notice of violation was received on 6-4-2021 and the notice of hearing was posted on 11-8-2021. Isiah said his last inspection was on 12-14-2021 and remains in violation. Isiah showed photos of all the junk that looks to be exploding from the house and there were photos of the inoperable vehicles. Member Hall asked if there had been any communication or if this was just squatters moving around. Isiah said we did have communication with the owner and unfortunately she has health issues and is unable to remove these people but we need to move forward with our cases. Chairman Lingenfelter asked if there was going to be another case for living in RV. Isiah said yes.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 With a compliance date of January 14, 2022 and a Hearing to Impose Fine is set for the January 19, 2022 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021320 – DAVIS PAULA R

Posted

Complaint No. 20210422044

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

Property Location: 1695 E Euclid Ave, Deland 32720

Parcel No. 70182800010

Zoning: R-3

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Apr 22, 2021

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a compliance date of January 14, 2022 and a Hearing to Impose Fine is set for the January 19, 2022 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021323 - T S GROUP 2020 LLC

Served

Complaint No. 20210816047

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Building, Mechanical, Electrical, Plumbing Permitting & inspections required. May not be a complete list.

Property Location: 320 W Palmetto Ave, Deland 32720

Parcel No. 700501000080

Zoning: R-4A

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Aug 28, 2021

Michael was present at the hearing for this case.

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert stated the notice of violation was received on 8-23-21 and the notice of hearing was received on 10-15-21. Robert said his last inspection was on 11-29-21. Robert showed photos from the house and added that they were taken by Paul Traider when he was onsite for an inspection. Robert said that there is a permit that was applied for on 10-18-21 and is in plans review. Robert said this is the first time he has met with the owner and has had no other contact. Paul Traider said he didn't have much to add, just that this was work discovered in progress and a stop work order was placed on the job and added there was open unsafe electric and the power was disconnected to the property. Paul added he has not had any other correspondence or anything to date. Robert added the scope of work for the permit is kitchen and bathroom renovation, redo ceiling, electric panel and HVAC. Michael stated they hired a contractor that told them they only need a permit for the roof and that's what they did. Michael added they saw the stop work order and then started working on getting the permits. Chairman Lingenfelter asked Michael if he need more time that January. Robert added that he had that as a recommendation due to not having any contact and is willing to push the date out. There was discussion to move the dates to March and everyone agreed on that timeline.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of March 10, 2022 and a Hearing to Impose Fine is set for the March 16, 2022 hearing.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021324 - ARVM 5 LLC

Served

Complaint No. 20210816038

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Building, Mechanical, Electrical, Plumbing Permitting & inspections required. May not be a complete list.

Property Location: 171 S Sheridan Ave, Deland 32720

Parcel No. 701805000210 Zoning: R-3

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Sep 02, 2021

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

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert stated the certified notice of violation was received 9-2-2021 and the certified notice of hearing was received on 10-19-2021. Robert said his last inspection was on 11-29-2021. Robert showed photos of the new AC that was installed and also showed photos that Paul Traider took showing the interior work that was being done. Robert said there has been no contact with the owner and no permits have been applied for.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of January 7, 2022 and a Hearing to Impose Fine is set for the January 19, 2022 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021325 - SUN STREET CAPITAL LLC

Served

Complaint No. 20210729022

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: 1825 E New York Ave, Deland 32724

Parcel No. 701403000420 Zoning: A-3A, B-1C, B-1CA

Code Compliance Officer - Robert Chayer

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

WITHDRAWN

December 15, 2021

CEB2021326 - SUCKELL MARC**Served**

Complaint No. 20210729001

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: 1215 N Boston Ave, Deland 32724

Parcel No. 700301000120**Zoning: R-3A****Code Compliance Officer - Robert Chayer**

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

Kevin Oakes was present via Webinar at the hearing for this case.

Robert Chayer, code compliance, presented the 2 cases together. Robert went over the case details, showing photos. Kevin Oakes purchased this property on 12-7-2021, there was discussion about service to the correct owner. Sebrina Slack asked Mr. Oakes if he was advised of these proceedings by the prior owner when he received this property. Mr. Oakes said yes. Robert stated the certified notice of violation was received by the previous owner on 7-31-2021 and the notice of hearing was posted on 11-29-2021. Robert added that his last inspection was also on 11-29-2021. Robert said a stop work order was posted on site by Paul Traider. Robert showed photos of the interior where the roof caved in from water damage. Member Zahn asked if they were putting a roof over roof. Paul Traider said yes. Robert said the new roof permit is actually in ready issue. Chairman Lingenfelter asked if the roof was the only issue with the improperly maintained structure. Robert said it would be for anything to do with the ceiling, insulation and electrical that may be involved. Robert added that it was also discussed that once the permit was pulled for this we would then do a prevention inspection to figure out what all is needed. Mr. Oakes said he bought the property on December 7th and went on connect live and could not get a prevention inspection because he does not have a permit. He came in the office on December 9th and spoke with Paul Traider and the permit people, he wanted to get a drywall permit so he could get the prevention inspection and was not allowed to pull a drywall permit at that time and was told to wait to get the roofing permits. Mr. Oakes said it is his understanding that he is supposed to call in a preventative inspection on a permit that does not have his name or the roofers name on it unless he is misunderstanding something. Mr. Oakes said he can't fix the drywall even though the roof is not leaking because the stop work order but was allowed to pull some of the damaged sheet rock down and the insulation so we can at least see access to the trusses. Mr. Oakes said he has had 2 general contractors in there looking at it and both say that because they were painted milled lumber greater than 2 inches and none of us see any damages or mildew. Mr. Oakes said he wants a preventative inspection so he can replace the drywall, insulation and if anyone deems something else needing to be done so the room can be used and he is looking for guidance. Chairman Lingenfelter asked Paul Traider if he has anything to offer. Paul said just some background. Paul said he stopped the work in progress, on the roof at the time was the previous owner who had rented out the house. He was informed he needed a permit, and while he was there the tenant invited him inside to look at the damage, there was drywall and insulation that had fallen from the leak area and at that time he was not able to determine if there was structural issues, rotted or framing issues under that roof so a prevention inspection is necessary just to confirm and make sure that a permit may be required for structural framing. Paul said he

December 15, 2021

is happy to make an appointment to get out there and look at it. Member Zahn said it sounds like he is trying to get inspections. Paul said we do require a drywall inspection, so if there is a small repair maybe it could be added to the roof permit. Paul added we just want to make sure if there's anything structural that may need permitting and inspections. Robert said when he spoke to him in the office, they discussed removal of the sheet rock that was damaged so that we could have access to the rafters to see if there were any issues. Chairman Lingenfelter asked how everyone felt on the timeline for the staff recommendation. Mr. Oakes said he has a contract with a roofer that said he is not going to do the drywall work, he added he paid \$200.00 extra to get a permit done ASAP and all he is requesting at this time is to have a prevention inspection so he can move forward, he can't pull the drywall permit until we can determine what is needed. Paul said he is happy to do what he can to help. Member Wild asked if the roof permit was ready to be issued and if that is issued, then he can get the inspection. Robert said yes.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE With a compliance date of January 7, 2022 and a Hearing to Impose Fine is set for the January 19, 2022 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021327 - SUCKELL MARC

Served

Complaint No. 20210728028

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). Roof / reroof nor permit or inspections. Permitting & inspections required. May not be a complete list.

Property Location: 1215 N Boston Ave, Deland 32724

Parcel No. 700301000120

Zoning: R-3A

Code Compliance Officer - Robert Chayer

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

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of January 7, 2022 and a Hearing to Impose Fine is set for the January 19, 2022 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021329 - BAF 3 LLC

Served

Complaint No. 20210714039

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Residential renovation. Mechanical, Electrical, OH garage door, fence. Permitting & inspections required. May not be a complete list.

Property Location: 136 Grace St, Deland 32724

Parcel No. 603308000190

Zoning: R-4(3)A

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Jul 30, 2021

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

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert stated the certified notice of violation was received on 7-30-2021 and the certified notice of hearing was received on 10-19-2021. Robert said his last inspection was on 11-29-2021. Robert said some of the photos are from Paul Traider. Robert said they went and spoke with the owner and were unable to do an inspection as the house is being rented and are hopeful on getting access. Chairman Lingenfelter asked if they know the scope of work that was done. Robert said he didn't but for sure knows the garage door, mechanical and electric.

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of January 7, 2022 and a Hearing to Impose Fine is set for the January 19, 2022 hearing.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021330 - ELLIS ERIC S & FANIS

Posted

Complaint No. 20201207028

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). Built stairs to the roof as well as decking on the roof without permits and inspection approvals.

Property Location: 6468 Engram Rd, New Smyrna Beach 32169

Parcel No. 850501590310

Zoning: R-9W

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on Dec 20, 2020

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

Fred Eastwood, code compliance, presented the case. Fred went over the case details, showing photos. Fred stated on 12-7-2020 the property owner had an application on file for the outside stairwell but no permit was issued and the stairs are actually crooked and not able to sustain very much weight. The property owner told Fred he paid a contractor to do the work but he left town before it was finished. On 12-7-2020 Fred issued a notice of violation by mail and also posted the property. Fred added on 12-14 he spoke to the contractor that repaired the stairs and he said he would contact the building inspector to see if a permit was really needed however Fred showed photos of the stairs and was told a permit would be needed. On 1-14-2021 an email was sent to the owner stating once the additional information was received a permit would be issued. On 1-22-2021 Builder review sent the owner a report requesting additional information for construction documents with prevention building inspection. The property was inspected on 1-25-2021 and it was noticed that the stairs had been painted and a notice of violation was then posted. On 1-26-2021 Zoning sent owner a notice for the following information, building plans showing the location of the proposed work including dimensions and combine lots for a unified building site. On 2-2-2021 the certified mail was returned. On 4-1-2021 the case was in planning review and on 7-6-2021 Fred spoke with the owner and reminded him that plans are in review and that the additional information requested by Building and Zoning had not been received at that time. On 8-26-21 the property owner stated he finally had a contractor committed to doing the work but would not have the information until the 2nd week of September. On 9-27-2021 Fred spoke to the owner who said the drawings and additional information were complete and would be submitted to the County. On 10-13-2021 Fred checked with permitting and the property owner never responded to the additional information or sent any drawings as was stated in conversations 2 weeks ago, so the case was setup. On 11-30-2021 the property was approved for a 4 lot combination, which was one of the requests. Fred said on 12-13-2021 was his final inspection and there was no change in the property, no permit application on file and there has been no further communication with the property owner.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of February 11, 2022 and a Hearing to Impose Fine is set for the February 16, 2022 hearing.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021331 - GONZALEZ LINDSEY P

Served

Complaint No. 20190702040

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits / inspections or approvals. Structural framing repair; Sub-fascia; New / re-roof. May not be a complete list.

Property Location: 4231 S Peninsula Dr, Port Orange 32127

Parcel No. 631204004340

Zoning: R-3(S)

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on 10-29-21

Continued to January 19, 2022

CEB2021332 - SAPP SEAN MICHAEL

Served

Complaint No. 20210820036

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241. Using an RV as a primary residence

Property Location: 172 Conifer Ln, Ormond Beach 32174

Parcel No. 403501002030

Zoning: RR

Code Compliance Officer - Peter Hinson

Property owner was first notified of the violation on May 28, 2021

Sean Sapp was present at the hearing for this case.

Peter Hinson, code compliance, presented the 2 cases together. Peter went over the case details, showing photos. Peter stated the owner was first notified of the violation of living in the RV on 5-28-21. A notice of violation was posted on 8-23-2021 and the notice of hearing was posted on 10-28-2021. Peter added the owner was notified about the contractor storage yard on 10-21-2021. Peter said the case had to be recited and the new paperwork was posted on 12-1-2021. Peter added we received affidavits from Robert and Tricia Stanfield, the complainants, they also provided photos as evidence. Peter said that access to the property was not granted for staff to do an inspection. Peter said he has talked with Mr. Sapp periodically and was told that Mr. Sapp has been out of town. Peter added that Mr. Sapp also had an opportunity to talk to Zoning to get some clarity on how he can use the property, but that meeting has not happened. Peter stated that the complainants did allow access to their property to try and view some of the violations but the brush was so thick he couldn't get any photos but Peter did see the RV. Chairman Lingenfelter asked what the building was that is seen in the photo on slide 2 of the presentation. Peter said that is an accessory structure that has a previous case which is receiving fines. Member Dwyer asked if his request for access to the property was denied. Peter said it was asked for but never addressed. Member Wild asked if the county has a noise ordinance because the affidavits from the complainants talk about the noise from

December 15, 2021

generators. Sebrina Slack said we have 2 noise ordinances that are enforced by the Volusia County Sheriff's Office. Chairman Lingenfelter then asked if Mr. and Mrs. Stanfield if they had anything to add. Mr. Stanfield said that he submitted some evidence to Ramona as well. Chairman Lingenfelter then asked Peter to go back to slide 2 so they can get clarification on where their property is. Mr. Stanfield said their property is to the west. The files that were sent by the Stanfield's were then pulled up for the Board to view and listen too. The PDF was pulled up and Mr. Stanfield said that some of the data on it does not pertain to the 2 cases that are in front of the Board. Member Zahn said that the information on the slides is what is used to get a building permit but doesn't apply here as the cases are for using a RV as a primary residence and uses where not permitted that's what we are looking for testimony on. Mr. Stanfield said he will direct Bob to go to certain pages that pertain to the violations on the Agenda. Mr. Stanfield showed Exhibit J which shows the RV and Exhibit K is a photo of the vehicles that come and go. Mr. Stanfield then added that he spoke to Mr. Sapp on August 13, 2020 and Mr. Sapp specifically told him that he has that shop there for his business equipment, and since then various pickup trucks come and go from the shop. Chairman Lingenfelter asked Mr. Stanfield if he was aware of any sewage system on the property. Mr. Stanfield said that according to the health district there is nothing on file other than the well the previous owner drilled. Mrs. Stanfield added that Mr. Sapp is an electrician with the County and has done all of this work without permits and he should know better. Chairman Lingenfelter then asked Mr. Sapp for his testimony. Mr. Sapp stated some really terrible events landed him where he is. Mr. Sapp added that he did meet his neighbors and never once said he moved that out there for any storage or for his business. Mr. Sapp explained the situation that rendered him homeless. Mr. Sapp said he moved the shop out to 172 Conifer and had no idea about his neighbors and what they are capable of. Mr. Sapp spoke with numerous other neighbors to see if they had any issues and no red flags were brought up. Mr. Sapp said he does have an accessory structure building, he was going to lose the building if he didn't move it from his home and had 30 days to do such a thing. Mr. Sapp added that he has not cleared the property. Mr. Sapp added that the photo shown from Mr. Stanfield was prior to him owning the property and they had gone in and some clearing and had other issues on the property. Mr. Sapp said he bought a travel trailer and moved into a park. Mr. Sapp added that he avoided the property because he is afraid to go home because he has someone with a camera chasing him around. Mr. Sapp said he takes his dog to the property and added that he is currently living on the property and added he has cleaned all the debris that was left on the property from the previous owner. Mr. Sapp said he has hired LAV Engineering and Gary from Master Builders Construction Services and has hired an Attorney. Mr. Sapp said the trucks you see in the photos are not construction trucks, he added one was 96 F3 box style truck his wife had to have and the other is his 2500 GMC that is his everyday driver. He added the Tahoe is his grandmothers and he was asked to insure it and put it on the road so it doesn't go to waste. Mr. Sapp added he is a one man band, he does a lot of local work, he does not have any employees and he does not have a construction yard. Mr. Sapp said he has tried moving his RV but due to Bike Week prices of spots go up and he cannot afford that. Mr. Sapp said his property does not smell and that he has a company come twice a month to empty the tanks. Mr. Sapp said that it is just him that lives in the RV and he doesn't know what else he can say, with the economy the way that it is, he has nowhere to go and has lost his family and it is just him. Mr. Sapp added that he explained

December 15, 2021

this to the neighbors and actually found out his neighbor was an engineer and asked them for help in their own driveway after helping them get a trailer in their driveway, because he wants to be a helpful neighbor. Mr. Sapp added that he is working on getting everything together so he can become a full time neighbor. Chairman Lingenfelter asked about his plans for a house there and how far he was from getting a building permit and the timeframe. Mr. Sapp said he has people working on the site plans and he is not exactly sure on a time frame. Chairman Lingenfelter said the only things he is struggling with is the timeframe and added there are 2 options, leave the site with everything or add a house to the site. Mr. Sapp said he has an engineer and contractors working diligently on getting something done. Member Zahn said that in his view there is clearly a violation and that Mr. Sapp admitted to the RV being there and the reason for it, but you still need a primary structure on the property. Member Zahn added that the accessory structure could be easily permitted if there was a primary structure. There was discussion on the time frame for the compliance date that was recommended and the flood hazard zone. The below motion was then made.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a compliance date of February 10, 2022 and a Hearing to Impose Fine is set for the February 16, 2022 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021359 - SAPP SEAN MICHAEL

Served

Complaint No. 20211021002

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291 Use where not permitted, Contractor Storage yard

Property Location: 172 Conifer Ln, Ormond Beach 32174

Parcel No. 403501002030

Zoning: RR

Code Compliance Officer - Peter Hinson

Property owner was first notified of the violation on Oct 21, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291 With a compliance date of February 10, 2022 and a Hearing to Impose Fine is set for the February 16, 2022 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021340 - BNACK INVESTMENTS LLC

Served

Complaint No. 20210510046

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Reroof, decking, dry-in; Interior/exterior renovation. Building, Roof, Plumbing & Electrical permitting required. May not be a complete list.

Property Location: 6 Domingo Rd, Deland 32724

Parcel No. 603811000050

Zoning: R-2A

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Jun 08, 2021

Yoganan was present at the hearing for this case.

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert stated the Certified Notice of violation was received on 6-8-2021 and the Certified Notice of Hearing was received on 11-10-2021 and added his last inspection was on 11-29-2021. Robert said Paul Traider was at the property back in May and showed the photos from that inspection which showed renovations being done and Robert said Paul issued a Stop Work Order at that time. Robert said this is the first contact he has had with the owner and added that permits have been applied for. Robert said his recommendation was for a compliance date of 1-7-2022 and hearing to impose fine/lien for 1-19-2022. Chairman Lingenfelter said if he was okay to change the recommendation now that the owner is here. Robert said yes. Yoganan said they hired a contractor to do the work and they had no knowledge that he did not pull the permits, once they found out they fired him and found a new contractor. Yoganan added that there are permits and they should be in the system now covering all the trades. He added that their goal is to not renovate houses without permits and had they known they would have taken action prior to there being a code violation. Chairman Lingenfelter asked if he or the contractor received information as to what the issue was for the additional information needed. Yoganan said that based on the information he received from the contractor everything has been submitted and is in final review right now. Paul Traider came up and said he does see the permit application in the system and added the request for additional information was sent on December 10th and said he didn't see mechanical in there, so it might be regarding that. Robert said he would now recommend pushing the compliance date out to March.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of March 10, 2022 and a Hearing to Impose Fine is set for the March 16, 2022 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021341 - KONDRACKI MICHAEL

Served

Complaint No. 20210511056

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: 646 June Ter., Deland 32724

Parcel No. 602802000410

Zoning: MH-5A

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Aug 25, 2021

Michael Kondracki was present at the hearing for this case.

Robert Chayer, code compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert stated on 8-25-2021 the certified notice of violation was received, 10-29-2021 the certified notice of hearing was received and his last inspection was on 11-29-2021. Robert said basically what we have is an empty lot with a fifth wheel and what looks like a screen room that was made out of bricks and concrete. Mr. Kondracki said it's a barbecue room. Robert asked if it had a roof on it. Mr. Kondracki said back in 1994 and thinks is 2008/2009 that hurricane that came through took it off and he didn't do anything with it cause it was just a barbeque grill. Mr. Kondracki said that the camper belonged to a guy that use to work for him and he moved back to Missouri to take care of his mother and found a wife and hasn't come back in a year and a half. Mr. Kondracki said the RV is supposed to leave today to go to the scrap yard. Chairman Lingenfelter asked what the plans are for the property. Mr. Kondracki said to put a mobile home on there so he can use it for employees to live on. Member Hall asked what Mr. Kondracki's time frame would be. Mr. Kondracki said he would have the RV moved on Monday and said as soon as he can find a mobile home to put on the property he will have it there and added he has spoken with Zoning about putting an actual house there. Member Hall asked if putting a roof back on the structure would bring that to being properly maintained. Robert said he was unsure if he could get a permit since there is not a principal structure and to bring it into compliance may mean it needs to be demolished. Mr. Kondracki asked what makes this a structure versus a barbeque area. Robert said it was permitted with a roof and now the roof is gone and there is structural integrity. Member Hall then made separate motions that way he can have time to work on getting home put on the property.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE With a compliance date of March 10, 2022 and a Hearing to Impose Fine is set for the March 16, 2022 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021342 - KONDRACKI MICHAEL

Served

Complaint No. 20210511057

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

Property Location: 646 June Ter., Deland 32724

Parcel No. 602802000410

Zoning: MH-5A

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Aug 25, 2021

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C) With a compliance date of January 7, 2022 and a Hearing to Impose Fine is set for the January 19, 2022 hearing.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021346 - OPENDOOR PROPERTY TRUST I

Served

Complaint No. 20211029019

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Residential renovation. Building, Mechanical, Electric, Plumbing. Permitting & inspections required. May not be a complete list.

Property Location: 316 N Blue Lake Ave, Deland 32724

Parcel No. 701000000080

Zoning: R-4A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Nov 1, 2021

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

Chris Hutchison, code compliance manager, presented the case in Margaret's absence. Chris went over the case details, showing photos. Chris stated Paul Traider sent an email on 10-29-2021 stating there appears to be renovations and added the property was for sale. On 11-18-2021 staff received a call from David Harper, a realtor with Mark Spain Realty, which wanted to know what the violations were, the house was scheduled to close on 11-19-2021 and he was just made aware of the violations. A list was sent via email and it was also stated that a prevention inspection would be needed to make sure those were the only issues. Chris then showed photos of the deck, sheds and AC. There have been no permit applications to date and conditions remain unchanged and staff has received an email from Sophia Araiza, from Opendoor, requesting more information on the violations and an email was sent with the list of unpermitted work. Member Hall asked when the email to Sophia was sent. Chris said he has to believe it was in the past month or 2 but was not sure on the exact date.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of January 12, 2022 and a Hearing to Impose Fine is set for the January 19, 2022 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

CEB2021350 - POES CROW LLC

Served

Complaint No. 20210902032

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

Property Location: 203 S Atlantic Ave, New Smyrna Beach 32169

Parcel No. 740906090030

Zoning: 999

Sea Turtle Lighting Specialist - Nicole Weiss

Property owner was first notified of the violation on 11-8-21

Jason Zelenak, Owner of Crabby's Bar & Grill, was present at the hearing for this case.

Nicole Weiss, Sea Turtle Lighting Specialist, presented the case. Nicole went over the case details, showing photos. Nicole stated they have been in communication with Jason since last year, when he said he plans to open this location and gave him some information about the previous violations that have been seen on this property. Nicole said we had worked with him in the beginning and just waited for it to open. Nicole added that during the inspections they would look to see if anything was going on and it wasn't until August 13th when there was a hatchling disorientation. Nicole said that Ryan did the inspection and notice one strand of bistro lights on the second floor that was visible from the beach and caused some beach illumination that can be seen in some of the photos that were presented. Jason said that we did meet with them and we want to be in compliance. Jason added that the problem is they paid for drop down curtains back in April and they were finally installed 3 weeks ago and they are still not completely operating. Jason said they did not open the building until the 20th of September. 8-13 was during the construction and the electricians installed those lights and they turned them on, and added they did not have the property at that time, that it was under the GC's control. Nicole added that another inspection was done about 10 days later and the bistro lights were not on but there were a couple of other violations, a flood light on the exterior north 1st floor and the roadside sign in the northeast corner of the property were visible from the beach and no beach illumination was noted. Nicole said on September 30th while doing another inspection they did note many more violations which were 4 TV's, white bistro lights, 4 blue flood lights, LED rope lights, were visible from the beach and a lot of beach illumination was occurring. Chairman Lingenfelter asked Jason if he felt the drop down curtains would cover this. Jason said they can bring them all the way to the ground. Jason added he was surprised on some of these things as they purchased more expensive lights and pointed out that they were only open for the 30th and 27th and said they are trying to be in compliance. Nicole did add that to his credit he did tell them before they opened that they were planning to install those curtains and our issue since they are incorporated New Smyrna, we don't see building plans or part of the permits and that why we worked with him. Nicole said her recommendation was a finding of non-compliance with a onetime fine of \$500.00 since there was disorientation. Member Hall asked if there were nests in the area. Nicole said yes. Nicole then showed the disorientation report that was done by the survey volunteers. Member Wild asked if they are ready for a motion, Chairman Lingenfelter said he was but not interested in a fine. Member Wild made a motion of an Order of Non Compliance and Order of Dismissal with a onetime fine of \$250.00 a roll call vote was done... Harry Wild – Aye, Andrew Hall – Aye, Clement Nadeau – Nay, Rick Dwyer – Nay, Chad Lingenfelter – Nay the motion failed. Chairman Lingenfelter passed the gavel to Vice-Chair Hall and made a motion to find in Non-

December 15, 2021

Compliance and Dismiss with no fine, it was seconded by Member Dwyer and a roll call vote was done. Andrew Hall – Nay, Clement Nadeau – Aye, Rick Dwyer – Aye, Chad Lingenfelter – Aye, Harry Wild – Aye and the motion passes.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order of Non-Compliance and Order of Dismissal for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE III DIVISION 12 SECTION 72-924.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021351 - THE PETER A VEGA AND KAREN E

Served

*****REPEAT VIOLATION*****

Complaint No. 20210706053

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

Property Location: 6901 S Atlantic Ave, New Smyrna Beach 32169

Parcel No. 850501170010

Zoning: R-9W

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 11-8-21

CONTINUED TO JANUARY 19, 2022

December 15, 2021

CEB2021355 - OPENDOOR PROPERTY TRUST I

Served

Complaint No. 20211116012

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Mechanical. May not be a complete list.

Property Location: 903 Camphor Ln, Deland 32720

Parcel No. 701702190120

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Nov 22, 2021

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

Chris Hutchison, code compliance manager, presented the case in Margaret's absence. Chris went over the case details, showing photos. Chris stated Paul Traider sent an email on 11-16-2021 who found mechanical work that had been done without permits. Research then showed that there appeared to be more than just the AC replaced. Property appraiser has the property listed as a 2 bedroom 1 bath home and the advertisement says it's a 3 bed 2 bath home. Member Wild added that it looks like they buy properties and do a bunch of repairs. Chris said yes to us it appears as if they are flippers. Chris then showed photos that were taken from Pictometry that show it was added to and a fireplace was put in. Chris added that there has been no contact and there have been no applications and the cited conditions remain.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of January 12, 2022 and a Hearing to Impose Fine is set for the January 19, 2022 hearing.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

December 15, 2021

XI. Requests for Discussion of Accumulated Fines

CEB2016194-TIFFANY, LARRIE

Posted

Complaint No. 20160912015

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

Property Location: 21 Pinta St, Ormond Beach 32176

Parcel No. 420302000210

Zoning: R-4

Code Compliance Officer – Margaret Godfrey

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

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

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

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

Request for Discussion of Fine/Lien of \$3,250.00

Larrie Tiffany was present at the hearing for this case.

Chris Hutchison, code compliance manager, presented the case in Margaret's absence. Chris went over the case details, showing photos. Mr. Tiffany said that he purchased this property for his retirement home. He added he was knew there were violations and had huge financial disasters and is asking for forgiveness of the liens. Chairman Lingenfelter said these cases go back to 2017. Chris stated yes these cases are from 2017 and 2 of them were repeat cases. Chris added that our recommendation is to not reduce the fines. Chris said all cases were brought into Compliance in November of 2021. Member Wild asked Mr. Tiffany to explain the reason for his request as he is claiming he was not properly notified. Mr. Tiffany said he is a little thrown off as he thought the liens were on a piece of vacant property he owns here in Deland. The Code Board Clerk, Ramona Jones, added that she had been dealing with Abbey from Westside Settlement Associations, who has been working with him on selling 164 Anita St. and it was explained to her that the liens were associated with 21 Pinta St. Member Dwyer asked if Chris could fill in the gap as Mr. Tiffany has little to no knowledge of these liens. Sebrina Slack then added this actually happens a lot, what happens is when you have one property where there is a violation and once an imposing lien is recorded, it actually affects all properties you own, not just the property where the violation occurred. Sebrina added people will not realize that the property where the violation did not occur is also subject to the lien and that's what happened in this case. This gentleman had another lot where the liens attached too so he can't sell that lot until he takes care of this lien, and added the violation did occur at 21 Pinta St. Member Dwyer said he does not understand how one can live there at not know there was a junk yard violation. Sebrina then asked Mr. Tiffany if he knew there were cases regarding the home on 21 Pinta St. Mr. Tiffany said yes he had worked with a young man that came by and thought it was all taken care of. Chairman Lingenfelter said that looking a previous minutes it is stated from the previous inspector that he had conversations with Mr. Tiffany who said he was going to clean up the property and then in 2017 it was said the property was cleaned up and then the violations occurred again which made them repeat violations for the vehicles with no tag and parking on the front yard. Member Dwyer then made a motion to accept staff's recommendation and decline the application for reduction on all 3 cases, it died for a lack of a second. Member Wild then made the motion to reduce the fines down to zero dollars, it died for a lack on a second. Member Hall then said he was confused on the original and if we spent a lot of

December 15, 2021

money chasing this because the repeat violations. Chris said it was just normal course of business. Member Hall then made a motion to reduce to \$1,000.00 because of the repeat violations and to drop the \$3,250.00 to zero dollars and it was seconded by Member Nadeau as below

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

CEB2017096-TIFFANY, LARRIE

Served

***** Repeat Violation*****

Complaint No. 20170327003

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

Property Location: 21 Pinta St., Ormond Beach 32176

Parcel No. 420302000210

Zoning: R-4

Code Compliance Officer - Margaret Godfrey

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

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

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

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

Request for Discussion of Fine/Lien of \$500.00

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to leave the fine at \$500.00 payable within 30 days, once payment is received the Board will issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances, CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34.** After Member Nadeau **SECONDED** the motion, Member Dwyer Opposed, it **CARRIED** by voice vote.

CEB2017097-TIFFANY, LARRIE

Served

***** Repeat Violation*****

Complaint No. 20170327004

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

Property Location: 21 Pinta St., Ormond Beach 32176

Parcel No. 420302000210

Zoning: R-4

Code Compliance Officer - Margaret Godfrey

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

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

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

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

Request for Discussion of Fine/Lien of \$500.00

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to leave the fine at \$500.00 payable within 30 days, once payment is**

December 15, 2021

received the Board will issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (E). After Member Nadeau **SECONDED** the motion, Member Dwyer Opposed, it **CARRIED** by voice vote.

December 15, 2021

CEB2020024 – MORK ELDON BRUCE & JOSEPHINE GOME William Dedelow

Complaint No. 20190617014

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 Living in RV or RV connected to water, sewer or electric lines, where not permitted

Property Location: 175 West St, Oak Hill 32759

Parcel No. 950600011480

Zoning: MH-5

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Dec 05, 2019

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

*The Board continued this case from the September 16, 2020 hearing:

*1st Amended Order of Non-Compliance issued at the October 21, 2020 hearing:

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

*Order of Compliance issued at the May 19, 2021 hearing:

Request for Discussion of Fine/Lien of \$1,500.00

William Dedelow was present at the hearing for this case.

Chris Hutchison, code compliance manager, presented the case in Margaret's absence. Chris went over the case details, showing photos. Chris stated this was last year's case and added that Mr. Dedelow purchased the property and cleaned it up so we are recommending the fines be reduced to zero. The motion was then made.

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

CEB2020034 - MORK ELDON BRUCE & JOSEPHINE GOME William Dedelow

Complaint No. 20190614061

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

Property Location: 175 West St, Oak Hill 32759

Parcel No. 950600011480

Zoning: MH-5

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Dec 05, 2019

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

*The Board continued this case from the September 16, 2020 hearing:

*1st Amended Order of Non-Compliance issued at the October 21, 2020 hearing:

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

*A Report and Affidavit of Compliance was submitted with a compliance date of April 22, 2021:

*Order of Compliance issued at the May 19, 2021 hearing:

Request for Discussion of Fine/Lien of \$1,500.00

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

December 15, 2021

CEB2020166 - VARGAS JUAN C & DALIA M

Posted

Complaint No. 20200521033

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: 2525 Vista Park Dr., Deland 32724

Parcel No. 602501000320

Zoning: MH-4A

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on May 21, 2020

*Order of Non-Compliance issued at the October 21, 2020 hearing:

*Final Order Imposing Fine Lien issued at the November 18, 2020 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 23, 2021:

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

Request for Discussion of Fine/Lien of \$7,000.00

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

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to Deny the request to reduce the fine and issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b).** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

Cases from the Addendum

IX. Unfinished Business

CEB2019215 - TROPICAL HAMMOCK INC

Served

Complaint No. 20190703037

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

Property Location: 1485 Lakeview Dr., Deland 32720

Parcel No. 792404000050

Zoning: B-7

Code Compliance Officer – Margaret Godfrey

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

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

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

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

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

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

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

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

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

*8th Amended Order of Non-Compliance issued at the November 17, 2021 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of December 2, 2021:

Order of Compliance

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

December 15, 2021

CEB2020063 - J & J BRYAN INC

Served

Complaint No. 20190920021

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: 2657 Slow Flight Dr, Daytona Beach 32128

Parcel No. 623607004090

Zoning: PUD

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on 5-18-20

*Order of Non-Compliance issued at the June 17, 2020 hearing:

*1st Amended Order of Non-Compliance issued at the October 21, 2020 hearing:

*Final Order Imposing Fine Lien issued at the February 17, 2021 hearing:

*1st Amended Order Imposing Fine Lien issued at the March 17, 2021 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of December 10, 2021:

Order of Compliance

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

XI. Requests for Discussion of Accumulated Fines

CEB2021141 - VELZQUEZ YUNISLEYDIS RODRIGUEZ

Posted

Complaint No. 20200604052

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

Property Location: 711 Cypress Ave, Orange City 32763

Parcel No. 800900000290

Zoning: A-3

Code Compliance Officer - Isiah Pitts

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

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

*Final Order Imposing Fine Lien issued at the November 17, 2020 hearing:

Request for Discussion of Fine Start Date

Nika Hossieni was present at the hearing for this case.

Isiah Pitts, code compliance, presented the 2 cases together. Isiah went over the case details, showing photos. Nika said there was variance proceeding in September and a letter came out from the county saying they had 180 days to submit the permit applications, when they came last month they were issued that fines are to start tomorrow and they were not afforded that 180 days. Nika said when she spoke to Maggie she was told that for other cases the board would typically afford them that time period and said she thinks there may have been some miscommunication. Chairman Lingenfelter added that if remembers correctly there was frustrations that started due to the time it had taken to get things started. Nika said the confusion is from the people/neighbors came in a spoke of violations that had not occurred yet, they spoke about potentially running a business back there, which was never a case before us. Chris said the whole history of

December 15, 2021

this case has been going on for quite some time, in the beginning of the case there was no cooperation with the property owner's whatsoever, they wouldn't respond to us and drag there their feet. Chris added there had been more than 1 site meeting on the property, they had a gentleman that was helping them and was supposedly an engineer and was putting everything through, nothing ever happened and now they have Nika and things are moving along. Member Hall asked Nika where they are at in the process now. Nika said the variance is completed and the only issue is permitted. Nika added they have an engineer and they are working on the plans and the last she heard they are going to be submitted next week. Nika added they just want the 180 days and the fine can start March 23. Nika also added that they had a 3 month stop period when there was a code amendment coming through for the ADU's. Member Nadeau asked Chris if he thinks about moving the date out. Chris said he agrees with it.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 1st Amended Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day commencing March 17, 2022 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Nadeau **SECONDED** the motion, Member Dwyer Opposed, it **CARRIED** by voice vote.

CEB2021202 - VELZAQUEZ YUNISLEYDIS RODRIGUEZ

Posted

Complaint No. 20210716004

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

Property Location: 711 Cypress Ave, Orange City 32763

Parcel No. 800900000290

Zoning: A-3

Code Compliance Officer - Isiah Pitts

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

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

*Final Order Imposing Fine Lien issued at the November 17, 2020 hearing:

Request for Discussion of Fine Start Date

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 1st Amended Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day commencing March 17, 2022 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277.** After Member Nadeau **SECONDED** the motion, Member Dwyer Opposed, it **CARRIED** by voice vote.

December 15, 2021

XII. New Business

Member Don Needham left the meeting at 11:02 am

Member Pete Zahn left the meeting at 12:08 pm

- A. Tally Sheets (Quarterly)**
- B. As Entertained by Chairman**
- C. As Entertained by Board Attorney**
- D. As Entertained by Staff Attorney -- Sebrina Slack informed the Board that Charlie Cino has requested to step down due to his health conditions as the Board attorney and that a new attorney has been requested. Sebrina added that starting in January we will not have the webinar anymore and will be going back to in person, Kerry Leuzinger added that it is the tentative plan, depending on the new variants of Covid**
- E. As Entertained By Staff**

XIII. Adjournment

There being no further business to discuss before the Board, the meeting adjourned at 1:48 pm.

Respectfully submitted,

Ramona Jones
Code Enforcement Board Clerk

December 15, 2021

CERTIFICATE

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

I, Ramona Jones, Code Enforcement Board Clerk, do hereby certify that the foregoing pages constitute a true and accurate transcript of the minutes of the Volusia County Code Enforcement Board taken on December 15, 2021, at 123 West Indiana Avenue, Deland, Florida.

WITNESS MY HAND this 28th day of January, 2022, in the City of DeLand, County of Volusia, State of Florida.

**Ramona Jones
Code Board Clerk**

October 20, 2021