

Volusia County Code Enforcement Board



Chad Lingenfelter, Chair
Jami Gallegos
Pete Zahn
Rick Dwyer

Members

Gary Brouillette
Clay Meek, Board Attorney

December 20, 2023
Agenda for Hearing at 9:00 a.m.

Thomas C. Kelly Administration Center
County Council Chambers - Second Floor
123 West Indiana Avenue, DeLand, Florida

NOTICE OF RECORD REQUIRED FOR APPEALS

Pursuant to Section 286.0105, Florida Statutes, you are hereby notified and if you decide to appeal any decision made by a board, agency or commission of the County of Volusia, including the Code Enforcement Board, with respect to any matter considered at this meeting, you will need a record of the proceedings for your appeal, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Accordingly, you must provide a reliable method for recording or transcribing the proceedings.

REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the County's ADA Title II Coordinator at (386) 248-1760, as soon as possible but no later than 2 business days before the scheduled event or meeting, or immediately upon receiving this notification if the time before the appearance is less than 2 days; if you are hearing or voice impaired, call 711.

ADDITIONAL INFORMATION REGARDING THE AMERICANS WITH DISABILITIES ACT IS LOCATED ON THE FINAL PAGE OF THIS AGENDA.

I. Roll Call

II. Agenda Changes

III. Disclosure of Ex Parte Communications

Members of the Volusia County Code Enforcement Board are asked to please disclose, for the record, the substance of any ex parte communications that have occurred before or during the public hearing at which a vote is to be taken on any quasi-judicial matters.

IV. Approval of Minutes – October 18, 2023 and November 15, 2023

V. Orders of Compliance

VI. Roll Call of Cases

VII. Swearing in of Witnesses

VIII. Explain Process for:

- A. Unfinished Business**
- B. New Cases**
- C. Discussion of Accumulated Fines**

IX. Unfinished Business

ALMA K PRATT

Property Location: 1146 13th St, Daytona Beach 32117

Parcel No. 424286030220

Zoning: R-5

CEB2017336

Complaint No. 20171012005

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.

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on October 12, 2017

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

*Final Order Imposing Fine Lien issued at the February 18, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 7, 2023:

Order of Compliance

LAURA HEATH

Property Location: 130 Shadowood Dr, Enterprise 32725

Parcel No. 910901000161

Zoning: RREA

CEB2019113

Complaint No. 20180726027

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: 130 Shadowood Dr, Enterprise 32725

Parcel No. 910901000161

Zoning: RREA

Code Compliance Officer - Michael Mazzola

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

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

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of December 6, 2023

Order of Compliance

FRANK D JESKE ETAL

Property Location: 3216 S Peninsula Dr, Daytona Beach 32118

Parcel No. 533501100230 Zoning: R-3

1: CEB2020237 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.

Environmental Specialist – Todd Hannah

Property owner was first notified of the violation on October 5, 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:

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

*5th Amended Order of Non-Compliance issued at the March 16, 2022 hearing:

*6th Amended Order of Non-Compliance issued at the August 17, 2022 hearing:

*7th Amended Order of Non-Compliance issued at the November 16, 2022 hearing:

*8th Amended Order of Non-Compliance issued at the April 19, 2023 hearing:

*9th Amended Order of Non-Compliance issued at the July 19, 2023 hearing:

*Final Order Imposing Fine Lien issued at the October 18, 2023 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 27, 2023:

Order of Compliance

2: CEB2020239 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).

Code 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:

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

*5th Amended Order of Non-Compliance issued at the March 16, 2022 hearing:

*6th Amended Order of Non-Compliance issued at the August 17, 2022 hearing:

*7th Amended Order of Non-Compliance issued at the November 16, 2022 hearing:

*8th Amended Order of Non-Compliance issued at the April 19, 2023 hearing:

*8th Amended Order of Non-Compliance issued at the July 19, 2023 hearing:

*Final Order Imposing Fine Lien issued at the October 18, 2023 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 27, 2023:

Order of Compliance

RICHARD & DEBORAH KIESER, BUSBEE ROSEMARY EST

Property Location: 1206 San Jose Blvd, Daytona Beach 32117

Parcel No. 424219230230 Zoning: R-5

1: CEB2022061 Served

Complaint No. 20190812004

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

Code Compliance Officer - Peter Hinson

Property owner was first notified of the violation on March 15, 2022

*Order of Non-Compliance issued at the June 15, 2022 hearing:

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

*2nd Amended Order of Non-Compliance issued at the November 16, 2022 hearing:

*3rd Amended Order of Non-Compliance issued at the March 15, 2023 hearing:

*4th Amended Order of Non-Compliance issued at the June 21, 2023 hearing:

*Final Order Imposing Fine Lien issued at the November 15, 2023 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 28, 2023:

Order of Compliance

2: CEB2022062 Served

Complaint No. 20210430064

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

Code Compliance Officer - Peter Hinson

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

*Order of Non-Compliance issued at the June 15, 2022 hearing:

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

*2nd Amended Order of Non-Compliance issued at the November 16, 2022 hearing:

*3rd Amended Order of Non-Compliance issued at the March 15, 2023 hearing:

*4th Amended Order of Non-Compliance issued at the June 21, 2023 hearing:

*Final Order Imposing Fine Lien issued at the November 15, 2023 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 28, 2023:

Order of Compliance

WILL-BEA INVESTMENTS LLC

Property Location: 3714 W Intl Speedway Blvd, Daytona Beach 32124

Parcel No. 620601390010 Zoning: I-1C(5)A

1: CEB2022211

Complaint No. 20210112037

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72
ARTICLE II DIVISION 8 SECTION 72-291 CODE OF ORDINANCES, COUNTY OF
VOLUSIA, CHAPTER 72 ARTICLE III DIVISION 3, SECTION 72-576 I-1(5)A Light

Industrial DESCRIPTION: Contractor storage yard without final site plan approval. **Code
Compliance Coordinator - Margaret Godfrey**

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

*Order of Non-Compliance issued at the May 17, 2023 hearing:

*1st Amended Order of Non-Compliance issued at the July 19, 2023 hearing:

*2nd Amended Order of Non-Compliance issued at the September 20, 2023 hearing:

*3rd Amended Order of Non-Compliance issued at the October 18, 2023 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of November 3, 2023:

Order of Compliance

MALVIN CABRERA OJEDA & WENDY ZULEYKA RIOS VARGAS

Property Location: 39 Alamanda Dr, Ormond Beach 32176

Parcel No. 420313000200 Zoning: R-5

1: CEB2022233

Complaint No. 20220809064

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

Code Compliance Officer - Peter Hinson

Property owner was first notified of the violation on August 9, 2022

*Order of Non-Compliance issued at the December 21, 2022 hearing:

*Final Order Imposing Fine Lien issued at the January 18, 2023 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of December 6, 2023:

Order of Compliance

PAUL DEROSBY

Property Location: 1980 Hazen Rd, Deland 32720

Parcel No. 603106000040 Zoning: A-3

1: 20230601061-MIS Posted

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72
ARTICLE II DIVISION 7 SECTION 72-241 Accessory use without a principal structure

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on August 17, 2023

*Order of Non Compliance issued at the Oct 18, 2023 hearing:

Hearing to Impose Fine/Lien

2: 20230601061-J/Y Posted

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

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on August 17, 2023

*Order of Non Compliance issued at the Oct 18, 2023 hearing:

Hearing to Impose Fine/Lien

33 HOLDINGS LLC

Property Location: 1884 Hazen Rd, Deland 32720

Parcel No. 60310000037C Zoning: A-3

1: 20230714044-VN1 Served

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

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on September 19, 2023:

*Order of Non-Compliance issued at the Oct 18, 2023 hearing:

Hearing to Impose Fine/Lien

R & J Estates LLC

Property Location: 309 N Kepler Rd, Deland 32724

Parcel No. 701111050041 Zoning: R-3A

1: 20230831020-VN2 Served

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

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on September 16, 2023

*Order of Non-Compliance issued at the Oct 18, 2023 hearing:

Hearing to Impose Fine/Lien

2: 20230831020-VN1 Served

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

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on September 16, 2023

*Order of Non Compliance issued at the Oct 18, 2023 hearing:

Hearing to Impose Fine/Lien

GERARDO CASTANEDA HERNANDEZ

Property Location: 200 W Baxter St, Deleon Springs 32130

Parcel No. 694100000021 Zoning: R-3

1: CEB2023040

Complaint No. 20221104037

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

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on March 6, 2023

*Order of Non-Compliance issued at the September 20, 2023 hearing:

*1st Amended Order of Non-Compliance issued at the October 18, 2023 hearing:

*2nd Amended Order of Non-Compliance issued at the November 15, 2023 hearing:

Hearing to Impose Fine/Lien

LAMCO ASSET COMPANY 1 LLC

Property Location: 2040 10th Ave, Deland 32724

Parcel No. 700102040340 Zoning: R-4A

1: CEB2023047

Complaint No. 20220426013

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

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on May 10, 2022

*Order of Non-Compliance issued at the November 15, 2023 hearing:

Hearing to Impose Fine/Lien

ROBERT & CAROL MILLENSON

Property Location: 1503 Pioneer Tr, New Smyrna Beach 32168

Parcel No. 741916020010 Zoning: R-4A

1: CEB2023056

Complaint No. 20220923043

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

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Mar 10, 2023

*Order of Non-Compliance issued at the November 15, 2023 hearing:

Hearing to Impose Fine/Lien

XII. New Business

- A. Tally Sheets (Quarterly)**
- B. As Entertained by Chairman
Approval of 2024 Code Board Hearing Dates**
- C. As Entertained by Board Attorney**
- D. As Entertained by Staff Attorney**
- E. As Entertained By Staff**

XIII. Adjournment

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT (TITLE II)

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the County of Volusia ("County") will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in County programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

The ADA does not require the County to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

County will make such reasonable modifications to policies and programs for qualified persons with disabilities to ensure they have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of County, should contact the office of the County's ADA Title II Coordinator, Jim Corbett, at (386) 248-1760, as soon as possible but no later than 2 business days before the scheduled event or meeting. This paragraph shall likewise apply to written requests by a physically handicapped person needing a special accommodation to attend a public meeting in accordance with section 286.26, Florida Statutes.

Complaints that a program, service, or activity of County is not accessible to persons with disabilities should be directed to the County in accordance with the County of Volusia Grievance Procedure under the Americans with Disabilities Act (Title II). A copy of the procedure may be obtained by contacting the office of the County's ADA Coordinator, (386) 248-1760.

County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Assisted listening system receivers are available for the hearing impaired and can be obtained from the Deputy Clerk by calling the County Manager's Office at 386-736-5920.