



**VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES**

**February 21, 2018**

**Chairman Chad Lingenfelter called the regularly scheduled, Code Enforcement Board Meeting to order at 9:30 a.m. in the County Council Chambers, Second Floor, Thomas C Kelly Administration Building**

**MEMBERS PRESENT**

**Tom Wright  
Chad Lingenfelter, Chair  
Gerard Smith  
Donald Needham  
Charles Cino, Board Attorney  
Kenneth Runge  
Pete Zahn  
Harry Wild Jr., Vice-Chair**

**MEMBERS ABSENT**

**STAFF PRESENT**

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

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**APPROVAL OF MINUTES**

**Member Needham moved to APPROVE the January 17, 2018 Code Enforcement Board minutes. Member Wright SECONDED the motion that CARRIED unanimously by voice vote.**

**\* \* \* \* \***

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

**February 21, 2018**

\* \* \* \* \*

**UNFINISHED BUSINESS**

**CEB2003010-SCOTT KATHY M**

**Posted**

Complaint No. 20020522029

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

The reported violation is: Construction without the required permit (s) and/or inspection approval (s).

Property Location: 460 Pine Grove St, Deland 32720

**Parcel No. 791203010130**

**Zoning: R-4**

**Zoning Compliance Officer – Christopher R Hooper**

Property owner was first notified of the violation on January 17, 2003

\*Order of Non Compliance on April 16, 2003

\*1st Amended Order on April 16, 2003

\*Final Order Non Compliance/Impose Fine on July 16, 2003

\*A Report and Affidavit of Compliance was submitted with a compliance date of January 29, 2018.

**Order of Compliance**

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

**CEB2016020-CAROLYN P AKEY REVOCABLE WHIDDON KIERSTE PEARCE**

**Served**

Complaint No. 20150706009

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: 2045 Anchor Av, Deland 32720

**Parcel No. 603100000170**

**Zoning: R-1**

**Zoning Compliance Officer – Christopher R Hooper**

Property owner was first notified of the violation on Jul 08, 2015

\*Final Order of Non - Compliance/Imposing Fine Lien issued at the April 20, 2016 hearing:

\*Final Order Imposing Fine Lien issued at the April 20, 2016 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of January 30, 2018.

**Order of Compliance**

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

**CEB2016224-A1A BEACH HOUSE INN & SUITES**

**Served**

Complaint No. 20160503070

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

Property Location: 3221 S Atlantic Av, Daytona Beach Shores 32118

**Parcel No. 533501020010**

**Zoning: 999**

**Sea Turtle Lighting Inspector - Christina Phillips**

Property owner was first notified of the violation on Nov 28, 2016

\*Final Order of Non-Compliance/Imposing Fine Lien issued at the December 21, 2016 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of June 21, 2017.

**Order of Compliance**

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

**CEB2017034-SHANKAR JACQUELINE**

**Served**

Complaint No. 20160427009

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

Property Location: 109 W Elm Dr, Orange City 32763

Parcel No. 801504000590

Zoning: R-4

**Zoning Compliance Officer - Michael Mazzola**

**Property owner was first notified of the violation on Mar 14, 2017**

\*Order of Non-Compliance issued at the April 19, 2017 hearing:

\*1st Amended Order of Non-Compliance issued at the May 17, 2017 hearing:

\*Final Order Imposing Fine Lien issued at the September 20, 2017 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of October 19, 2017.

**Order of Compliance**

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

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**CEB2017035-JOHNSON MICHAEL MERRICK & BEVERLY LYNN JOHNSON**  
**Served**

Complaint No. 20150302007

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

Property Location: 850 Grouper Av, New Smyrna Beach 32169

**Parcel No. 850501600090**

**Zoning: R-9W**

**Building Compliance Officer - Beverly J Abrahamson**

Property owner was first notified of the violation on Mar 09, 2015

\*1st Amended Order of Non-Compliance issued at the May 17, 2017 hearing:

\*Final Order Imposing Fine Lien issued at the November 15, 2017 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of January 26, 2018.

**Order of Compliance**

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

**CEB2017053-GEA SEASIDE INVESTMENTS INC**

**Served**

Complaint No. 20161026019

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

Property Location: 100 Carolyn Ter, Daytona Beach 32118

**Parcel No. 533405000150**

**Zoning: R-9**

**Building Compliance Officer – Beverly J Abrahamson**

Property owner was first notified of the violation on November 4, 2016

\*Order of Non-Compliance issued at the April 19, 2017 hearing:

\*Final Order Imposing Fine Lien issued at the May 17, 2017 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of January 19, 2018.

**Order of Compliance**

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

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**CEB2017108-ROY GILMEN**

**Served**

Complaint No. 20161128043

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

Property Location: 1805 Woodcrest Dr, Ormond Beach 32174

**Parcel No. 422804000910**

**Zoning: MH-5**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on Dec 01, 2016

\*Order of Non-Compliance issued at the June 21, 2017 hearing:

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

\*A Report and Affidavit of Compliance was submitted with a compliance date of January 23, 2018.

**Order of Compliance**

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

**CEB2017112-MORAN CONNIE A**

**Posted**

Complaint No. 20170110043

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: 627 Parque Dr, Ormond Beach 32174

**Parcel No. 424220290100**

**Zoning: R-5**

**Compliance Officer – Margaret Godfrey**

Property owner was first notified of the violation on March 13, 2017.

\*Order of Non-Compliance issued at the June 21, 2017 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of February 13, 2018.

**Order of Compliance**

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

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**CEB2017154-SHAIN TIMOTHY A**

**Posted**

Complaint No. 20170106041

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

Property Location: 1636 Valencia Av, Daytona Beach 32117

**Parcel No. 424219250230**

**Zoning: R-5**

**Zoning Compliance Coordinator - Tammy Proulx**

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

\*Order of Non-Compliance issued at the July 19, 2017 hearing:

\*1st Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

\*2nd Amended Order of Non-Compliance issued at the November 15, 2017 hearing:

\*Final Order Imposing Fine Lien issued at the December 20, 2017 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of January 16, 2018.

**Order of Compliance**

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

**CEB2017186-NIENBURG MARVIN GEORGE JR & BARBARA** **Posted**

Complaint No. 20170119008

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

Property Location: 1707 Avenue B, Ormond Beach 32174

**Parcel No. 422901060070**

**Zoning: MH-5**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on March 27, 2017

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

\*Final Order Imposing Fine Lien issued at the November 15, 2017 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of January 18, 2018.

**Order of Compliance**

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

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**CEB2017240-ROY MICHAEL**

**Served**

Complaint No. 20170705036

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: 1224 Avenue E, Ormond Beach 32174

**Parcel No. 422901110110**

**Zoning: MH-5**

**Zoning Compliance Officer - Margaret Godfrey**

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

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

\*1st Amended Order of Non-Compliance issued at the November 15, 2017 hearing:

\*2nd Amended Order of Non-Compliance issued at the December 20, 2017 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of February 2, 2018

**Order of Compliance**

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

**CEB2017251-MOODY RICHARD J TR ET AL**

**Served**

Complaint No. 20170705009

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA, CHAPTER 22, ARTICLE X, SECTION 22-706 Posting of assigned building address numbers.

Property Location: 3076 Ocean Shore Blvd, Ormond Beach 32176

**Parcel No. 322101000440**

**Zoning: R-6**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on Jul 14, 2017

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

\*Final Order Imposing Fine Lien issued at the November 15, 2017 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of January 23, 2018.

**Order of Compliance**

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

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**CEB2016067-BONNIE FRAZEE & DEBRA RAMSEY**

**Served**

Complaint No. 20131118001

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

Property Location: 3704 Watermelon Ln, New Smyrna Beach 32168

**Parcel No. 721301030020**

**Zoning: A-1**

**Building Compliance Officer - Beverly J Abrahamson**

Property owner was first notified of the violation on Nov 20, 2013

\*Order of Non-Compliance issued at the November 16, 2016 hearing:

\*1st Amended Order of Non-Compliance issued at the January 18, 2017 hearing:

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

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

**Hearing to Impose Fine/Lien**

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

Beverly stated that Mrs. Frazee has satisfied her variance. She has had two finalized permits for four of the sheds. She has submitted an application for the enclosure of the garage. Staff is recommending a fourth amended order of non-compliance with a hearing to impose fine scheduled for June 20, 2018.

The respondent gave her name and mailing address for the record. Chair Lingenfelter asked if there was any information that Mrs. Frazee wanted to provide. Mrs. Frazee said no.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Fourth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the June 20, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2017140-PULLIAM CATHY H**

**Posted**

Complaint No. 20170328065

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

Property Location: 2880 John Anderson Dr, Ormond Beach 32176

**Parcel No. 322104000470**

**Zoning: R-3**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on March 28, 2017

\*Order of Non-Compliance issued at the November 15, 2017 hearing:

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

**Hearing to Impose Fine/Lien**

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The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

A permit for demolition has been issued and is valid until April 10, 2018. Staff is recommending a second amended order of non-compliance with a hearing to impose fine scheduled for April 18, 2018.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2017167-BEST & FINAL LLC**

**Posted**

Complaint No. 20170323046

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

Property Location: 4 Berkley Rd, Ormond Beach 32176

**Parcel No. 322802000250**

**Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

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

\*Order of Non-Compliance issued at the August 16, 2017 hearing:

**Hearing to Impose Fine/Lien**

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

On August 10, 2017, a permit was issued for replacing 13 windows and 3 sliding glass doors. It expires March 10, 2018. Staff is recommending a first amended order of non-compliance with a hearing to impose fine scheduled for March 21, 2018.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the March 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2017199-SERRA RONALD F & SHARON M**

**Served**

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Complaint No. 20170511028

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

Property Location: 1761 Mitchell Ct, Port Orange 32128

**Parcel No. 633001002220**

**Zoning: PUD**

**Building Compliance Officer - Beverly J Abrahamson**

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

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

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

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

**Hearing to Impose Fine/Lien**

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

The permit was reinstated on January 18, 2018 and is valid until April 18, 2018. Staff recommends a first amended order of non-compliance with a hearing to impose fine scheduled for May 16, 2018.

The respondent gave his name and mailing address for the record. Chair Lingenfetler asked if there was anything that Mrs. Serra would like to add. Mrs. Serra said no.

Member Needham stated that he knows the respondent and will therefore abstain from voting. Charles Cino, Board Attorney, stated that Member Needham could vote; he said that there is no conflict as the motion is procedural.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the May 16, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham SECONDED the motion, it **CARRIED** unanimously by voice vote.

**CEB2017258-HOOKER ELIZABETH M**

**Served**

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Complaint No. 20170620053

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

Property Location: 10 Seabreeze Dr, Ormond Beach 32176

**Parcel No. 324105000670                      Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

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

\*Order of Non-Compliance issued at the November 15, 2017 hearing:

\*1st Amended Order of Non-Compliance issued at the January 17, 2018 hearing:

**Hearing to Impose Fine/Lien**

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. There have been no applications for permits to date and the site and conditions remain unchanged. Ms. Hooker informed Margaret the day before, that she has a contractor. Margaret said that they've had that conversation before. Staff is recommending an order imposing fine/lien in the amount of \$50.00 per day, not to exceed \$13,000.00 to commence on March 22, 2018.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day with a cap of \$13,000.00, to begin on March 22, 2018.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2017284-TODD & STACEY STONE LLC**

**Served**

Complaint No. 20170518002

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

Property Location: 4063 Dewey Dr, New Smyrna Beach 32168

**Parcel No. 722603000510                      Zoning: A-3**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on May 23, 2017

\*Order of Non-Compliance issued at the December 20, 2017 hearing:

**Hearing to Impose Fine/Lien**

The respondent was present for the hearing.

Debbie Zechnowitz, Compliance Officer, presented the case. A building permit application was received yesterday and is in review. Staff is recommending a first amended order of non-compliance with a hearing to impose fine scheduled for May 16, 2018.

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Stephanie Graham gave her name and mailing address for the record. She stated that she is the contractor for the property owners. Chair Lingenfelter asked if there was anything that Ms. Graham would like to add. Ms. Graham said no.

Based on the evidence and testimony provided, Member Smith **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the May 16, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2017285-HENDRICKS CATHERINE W**

**Posted**

Complaint No. 20170627016

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: 34 Plaza Dr, Ormond Beach 32176

**Parcel No. 420327000320**

**Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on August 10, 2017.

\*Order of Non-Compliance issued at the December 20, 2017 hearing:

**Hearing to Impose Fine/Lien**

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. The site and the conditions on the property remain unchanged. Staff is recommending a fine of \$50.00 per day, not to exceed \$15,400.00 to commence on March 22, 2018.

Member Zahn suggested that the fine of \$15,400.00 might be too much. The board discussed the modification of the sticker on the tag. Member Needham asked if there had been contact with the property owner. Margaret said that Mr. Hendricks had been to the December hearing, but that no other contact had been made after that.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day with a cap of \$5,000.00, to begin on March 22, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

The board discussed whether or not the property owner had been properly noticed. Russ Brown, Assistant County Attorney, said that all notices have been properly given in this case. He said if he had to guess, that the vehicle is probably still registered in the wife's name. Margaret discussed compliance options, which had been recommended to the

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respondent.

**CEB2017312-VAN CLEEFF DANNY**

**Served**

Complaint No. 20151023049

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

Property Location: 1543 Granada Av, Daytona Beach 32117

**Parcel No. 424219030100**

**Zoning: R-5**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on Nov 06, 2017

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

**Hearing to Impose Fine/Lien**

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

The site and conditions remain unchanged. Staff is recommending a fine of \$50.00 per day, not to exceed \$3,200.00 to commence on March 22, 2018.

After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day with a cap of \$3,200.00, to begin on March 22, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2017335-PRATT ALMA K**

**Posted**

Complaint No. 20170620011

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: 1146 13th St, Daytona Beach 32117

**Parcel No. 424286030220**

**Zoning: R-5**

**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:

**Hearing to Impose Fine/Lien**

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

The site and conditions remain unchanged. Staff is recommending an order imposing fine/lien in the amount of \$25.00 per day, per case, with a cap of \$3,800.00 per case, to commence on March 22, 2018.

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After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case with a cap of \$3,800.00 per case, to begin on March 22, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2017336-PRATT ALMA K**

**Posted**

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

Property Location: 1146 13th St, Daytona Beach 32117

**Parcel No. 424286030220                      Zoning: R-5**

**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:

**Hearing to Impose Fine/Lien**

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case with a cap of \$3,800.00 per case, to begin on March 22, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2017342-WAGER MARK R**

**Posted**

Complaint No. 20170315036

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

Property Location: 1319 10th St, Daytona Beach 32117

**Parcel No. 520201000280                      Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

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

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

**Hearing to Impose Fine/Lien**

The respondent was not present for the hearing.

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Margaret Godfrey, Compliance Officer, presented the case.

There have been no applications for permits to date; site and conditions on the property remain unchanged. There has also been no contact with the property owner. Staff is recommending an order imposing fine/lien in the amount of \$50.00 per day, to begin on March 22, 2018 not to exceed \$8,000.00.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day with a cap of \$8,000.00, to begin on March 22, 2018.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2017348-DAVIS HOMES LLC**

**Served**

Complaint No. 20170418032

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Interior alterations to include electric, plumbing, HVAC and framing)

Property Location: 13 Oak Tree Dr, New Smyrna Beach 32169

**Parcel No. 743503030070**

**Zoning: R-4W**

**Building Compliance Officer - Beverly J Abrahamson**

Property owner was first notified of the violation on May 04, 2017

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

**Hearing to Impose Fine/Lien**

The respondent was present for the hearing.

Beverly Abrahamson, Compliance Officer, presented the case. All permits have been reinstated and are valid until April 30, 2018 or May 1, 2018. Staff is recommending a first amended order of non-compliance, with a hearing to impose fine scheduled for May 16, 2018.

The respondent gave his name and mailing address for the record. Chair Lingenfelter asked Mr. Davis if there was anything that he wanted to add. Mr. Davis said no.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the May 16, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2017349-PAGNOTTI JOSEPH R**

**Posted**

February 21, 2018

Complaint No. 20140513018

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

(Expired electric permit 20131101003 & propane tank installation

Property Location: 2 Sea Oats Ter, Ormond Beach 32176

**Parcel No. 321605010840**

**Zoning: R-4**

**Building Compliance Officer - Beverly J Abrahamson**

Property owner was first notified of the violation on Sep 16, 2015

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

**Hearing to Impose Fine/Lien**

The respondent was not present for the hearing.

Beverly Abrahamson, Compliance Officer, presented the case. The electrical permit was reinstated after the last hearing, however the respondent never scheduled a final inspection. The permit expired again on February 18, 2018, without any inspection approvals. There has been no application for a permit submitted to date, for the propane tank. Staff is recommending a fine in the amount of \$50.00 per day, to begin on March 22, 2018, not to exceed \$40,000.00.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day with a cap of \$40,000.00, to begin on March 22, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2017351-DENNISON HOLLY JANE**

**Served**

Complaint No. 20160912016

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

(Pole barn, change of use, addition of plumbing, 2 sheds and an above ground swimming pool)

Property Location: 725 Still Rd, Pierson 32180

**Parcel No. 590400000310**

**Zoning: FR(4),RC**

**Building Compliance Officer - Beverly J Abrahamson**

Property owner was first notified of the violation on Sep 15, 2016

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

**Hearing to Impose Fine/Lien**

The respondent was present for the hearing.

Beverly Abrahamson, Compliance Officer, presented the case. An application for a permit was submitted on January 4, 2018, for the 18'8 shed; the application is going through review at this time. Additional information was requested by zoning on January 25, 2018.

February 21, 2018



There has been no application submitted for the conversion of the pole barn, submitted to date. The permit is still expired for the laundry room and rear deck. An affidavit was submitted stating that the electric is in a safe working condition. Staff is recommending a first amended order of non-compliance with a hearing to impose fine scheduled for April 18, 2018.

The respondent gave her name and mailing address for the record. Mrs. Dennison said that she is debating taking down the laundry room because it has hurricane damage. She said that she is waiting on Universal Engineers, to provide the engineer drawings. Mrs. Dennison said that she is trying to comply.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2017374-CZUPRYNA RUDOLPH JR & BARBARA**

**Posted**

Complaint No. 20170726012

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-282 fence, wall or hedge over the maximum height allowed

Property Location: 1219 10th St, Daytona Beach 32117

**Parcel No. 523703070010**

**Zoning: R-5**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on October 27, 2017

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

**Hearing to Impose Fine/Lien**

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. The site and conditions remain unchanged. Ms. Czupryna had asked Margaret if she could cut the fence down to 4'ft and she was told that she could. The fence has not been cut down. Staff is recommending an order imposing fine/lien in the amount of \$50.00 per day, with a cap of \$6,200.00 to begin on March 22, 2018.

Chair Lingenfelter asked if there had been any requests from the property owner to come look at the fence. Margaret said that there had not been.

After discussion and based on the testimony and evidence presented, Member Wright

February 21, 2018

**MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day with a cap of \$6,200.00, to begin on March 22, 2018.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2017384-DEKANCHUK HARRY MATTHEW, HARRY MICHAEL & HUNTER**  
**Posted**

Complaint No. 20170526040

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

Property Location: 1475 N Us Hwy 17, Seville 32190

**Parcel No. 480500000031**

**Zoning: BPUD**

**Zoning Compliance Officer - Christopher R. Hooper**

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

\*Order of Non-Compliance issued at the December 20, 2017 hearing:

**Hearing to Impose Fine/Lien**

The respondent was present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. Christopher explained the pictures in his presentation to the board. He said that there are still vehicles on the lot. He compared pictures from December and February to show the lack of progress, being made on the property. Staff is recommending a fine of \$100.00 per day, to begin on March 22, 2018 not to exceed \$25,000.00.

The respondent gave his name and mailing address for the record. Mr. Dekanchuk showed the board pictures of the property, which he had taken on his cell phone. He said that the pictures were taken that morning. Mr. Dekanchuk stated that he has about eight vehicles on the property. He said that they have been moving the vehicles and disposing of them, but the problem is getting rid of them because they have to file paperwork. He said that we can't just get rid of a car without the proper paperwork. He said that they have gotten most of the paperwork. He said that it's really cleared out, if Mr. Hooper gets a chance to come to the property.

The board explained the zoning and why Mr. Dekanchuk cannot park cars there. Member Zahn asked if they gave until the middle of March, could the remaining cars be removed from the property. Mr. Dekanchuk said that would be fine.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day with a cap of \$25,000.00, to begin on March 22, 2018.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

February 21, 2018

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

### **CEB2016251-NUVIEW IRA INC**

**Served**

Complaint No. 20160906045

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

Property Location: 2076 2nd Av, Deland 32724

**Parcel No. 700101100330**

**Zoning: R-4**

**Building Compliance Officer – Christopher R Hooper**

Property owner was first notified of the violation on Oct 11, 2016

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. The case began on September 6, 2016, with a complaint for construction without the required permits. A notice of violation was mailed via certified mail on October 4, 2016; it was signed for on October 11, 2016. The violation was for structural, mechanical, electrical and plumbing without permits and inspection approvals.

The company applied for a permit, which caused the case to be continued a couple times. The permit has expired as of yesterday. There have been no inspections for several months. The notice of hearing was mailed, via certified mail, on December 9, 2016; it was signed for on December 27, 2016. The notice of hearing was posted on the site on November 30, 2017. The most recent inspection was February 12, 2018. The property seems to still be in the middle of renovation. Staff is recommending an order of non-compliance, with a compliance date of March 9, 2018 and a hearing to impose fine scheduled for March 21, 2018.

Member Wild asked if Christopher would have a problem moving the hearing to impose fine for April 18<sup>th</sup>. Christopher said that he was fine with that. Christopher discussed with the board, whether or not the house is vacant. Member Wright asked if work is continuing. Christopher said that he doesn't think so, but that he doesn't know.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of April 14, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

February 21, 2018

**CEB2017387-LHD GRAINGER LLC**

**Served**

Complaint No. 20171009019

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: 1311 Avenue D, Ormond Beach 32174

**Parcel No. 422901120090**

**Zoning: MH-5**

**Zoning Compliance Officer - Margaret Godfrey**

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

**THE BOARD CONTINUED THIS CASE.**

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

**CEB2003010-SCOTT KATHY M**

**Posted**

Complaint No. 20020522029

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

The reported violation is: Construction without the required permit (s) and/or inspection approval (s).

Property Location: 460 Pine Grove St, Deland 32720

**Parcel No. 791203010130**

**Zoning: R-4**

**Zoning Compliance Officer – Christopher R Hooper**

Property owner was first notified of the violation on January 17, 2003

\*Order of Non Compliance on April 16, 2003

\*1st Amended Order on April 16, 2003

\*Final Order Non Compliance/Impose Fine on July 16, 2003

\*A Report and Affidavit of Compliance was submitted with a compliance date of January 29, 2018 hearing:

**Request for Discussion of Fine/Lien \$250,200.00**

The respondent was present for the hearing.

Chris Hutchison, Code Administration Manager, presented the case. The fine on the property rose to a substantial sum, since then the new property owners have brought it into compliance. They purchased it through a tax lien sale. The county did receive \$12,141.47 from that sale. The county is recommending that we set the fine to zero and accept the money that was already paid through the tax lien sale.

February 21, 2018

The respondent gave his name and mailing address for the record. Chair Lingenfelter asked if Mr. Washington had a problem with the fine being zero. Mr. Washington said that he did not. The Chair asked if there was anything that Mr. Washington wanted to add. He said that there was not.

After discussion and based on the testimony and other evidence presented, Member Wild **MOVED that the lien be reduced to the \$12, 141.47 received by the county, through the tax lien sale and is therefore paid in full.** Member Needham **SECONDED** the motion that **CARRIED** unanimously by voice vote.

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

\* \* \* \* \*

#### **ADJOURNMENT**

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

**Respectfully submitted,**

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**Meghan Lindsey**  
**Code Enforcement Board Clerk**

February 21, 2018

**CERTIFICATE**

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

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

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2017, in the City of DeLand, County of Volusia, State of Florida.

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**Meghan Lindsey  
Code Enforcement Board Clerk**

February 21, 2018