



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

February 17, 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
Clement Nadeau
Donald Needham
Rick Dwyer
Charles Cino, Board Attorney**

MEMBERS ABSENT

**Andrew Hall, Vice-Chair
Vikki Leonard
Pete Zahn**

STAFF PRESENT

**Chris Hutchison, Code Compliance Manager
Margaret Godfrey, Code Compliance Coordinator
Robert Chayer, Code Compliance Officer
Isiah Pitts, Code Compliance Officer
Peter Hinson, Code Compliance Officer
Fred Eastwood, Code Compliance Officer
Debbie Zechnowitz, Code Compliance Officer
Sebrina Slack, Assistant County Attorney
Todd Hannah, Environmental Specialist II
Samantha West, Environmental Specialist III
Julie McCrystal, Environmental Specialist II
Kerry Leuzinger, Chief Building Official
Scott Ashley, Senior Zoning Manager
Ramona Jones, Code Board Clerk**

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APPROVAL OF MINUTES

Member Nadeau moved to approve the minutes from the January 20, 2021 hearing. Member Needham seconded the motion which carried unanimously by voice votes.

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

IX. Unfinished Business

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CEB2009150 – US BANK NATL ASSN LYNN LABOMBARD Served

Complaint No. 20090406024

Violation of Volusia County Code of Ordinances, Florida Building Code Sections 105.1 and 109.3 for construction without the required permit(s) and inspection approval(s)
Property Location: 1025 South Woodward Ave DeLand.

Parcel No. 7019-03-00-0750

Code Compliance Coordinator - Margaret Godfrey

*Property Owner first notified of violation on April 15, 2009;

*Order of Non-Compliance issued at the December 16, 2009 hearing:

*Final Order Imposing Fine Lien issued at the February 3, 2010 hearing:

*A Report and Affidavit was submitted with a compliance date of February 3, 2021

Order of Compliance

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

CEB2009151 – US BANK NATL ASSN LYNN LABOMBARD Served

Complaint No. 20090406022

Violation of Volusia County Code of Ordinances, Florida Building Code Sections 105.1 and 109.3 for construction without the required permit(s) and inspection approval(s) (siding, window and reroof)

Property Location: 1025 South Woodward Ave DeLand.

Parcel No. 7019-03-00-0750

Code Compliance Coordinator - Margaret Godfrey

*Property Owner first notified of violation on April 15, 2009;

*Order of Non-Compliance issued at the December 16, 2009 hearing:

*Final Order Imposing Fine Lien issued at the February 3, 2010 hearing:

*A Report and Affidavit was submitted with a compliance date of February 3, 2021

Order of Compliance

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

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CEB2009152 – US BANK NATL ASSN LYNNA LABOMBARD Served

Complaint No. 20090406021

Violation of Volusia County Code of Ordinances, Chapter 58, Section 58-3 Maintenance Ordinance Section 58-84 for an improperly maintained structure
Property Location: 1025 South Woodward Ave DeLand.

Parcel No. 7019-03-00-0750

Code Compliance Coordinator - Margaret Godfrey

*Property Owner first notified of violation on April 15, 2009;

*Order of Non-Compliance issued at the December 16, 2009 hearing:

*Final Order Imposing Fine Lien issued at the February 3, 2010 hearing:

*A Report and Affidavit was submitted with a compliance date of February 3, 2021

Order of Compliance

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

CEB2020267 - BERBERICH BRIAN Served

Complaint No. 20190711020

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: 1964 Carolina Ave, Ormond Beach 32174

Parcel No. 424214000180 Zoning: R-5

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on

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

*A Report and Affidavit was submitted with a compliance date of January 25, 2021

Order of Compliance

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

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CEB2016048 - GRAF GREGORY

Served

Complaint No. 20140911004

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

Property Location: 2900 Tangelo Rd, Edgewater 32141

Parcel No. 844301001620

Zoning: RC

Code Compliance Officer – Debbie Zechnowitz

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

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

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

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

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

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

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

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

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

*8th Amended Order of Non-Compliance issued at the November 20, 2019 hearing:

*9th Amended Order of Non-Compliance issued at the February 19, 2020 hearing:

*10th Amended Order of Non-Compliance issued at the June 17, 2020 hearing:

*11th Amended Order of Non-Compliance issued at the November 18, 2020 hearing:

*A Report and Affidavit was submitted with a compliance date of January 27, 2021

Order of Compliance

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

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CEB2019303- BOUDREAUX DALE F

Served

Complaint No. 20190418037

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

Property Location: 711 Pineland Tr, Ormond Beach 32174

Parcel No. 411200000090

Zoning: A-2A

Code Compliance Officer - Robert Chayer

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

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

*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

*2nd Amended Order of Non-Compliance issued at the January 15, 2020 hearing:

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

*Final Order Imposing Fine Lien issued at the July 15, 2020 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of February 8, 2021:

Order of Compliance

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

CEB2019304- BOUDREAUX DALE F

Served

Complaint No. 20190418039

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

Property Location: 711 Pineland Tr, Ormond Beach 32174

Parcel No. 411200000090

Zoning: A-2A

Code Compliance Officer - Robert Chayer

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

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

*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

*2nd Amended Order of Non-Compliance issued at the January 15, 2020 hearing:

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

*Final Order Imposing Fine Lien issued at the July 15, 2020 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of February 8, 2021:

Order of Compliance

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

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CEB2018302 - 30 RAYMONDE CIRCLE LLC

Served

Complaint No. 20130327018

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

Property Location: 30 Raymonde Cir, Ormond Beach 32176

Parcel No. 322804000680

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

*3rd Amended Order of Non-Compliance issued at the February 19, 2020 hearing:

*4th Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

*5th Amended Order of Non-Compliance issued at the November 18, 2020 hearing:

Hearing to Impose Fine/Lien

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

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated that the permit is now valid until the end of July.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an 6th 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 August 18, 2021 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

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CEB2018332 - LUZNAR ROGER J

Served

Complaint No. 20130730013

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

Property Location: 3876 Pioneer Tr, New Smyrna Beach 32168

Parcel No. 721100000051

Zoning: A-1

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Aug 28, 2013

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

*1st Amended Order of Non-Compliance issued at the November 18, 2020 hearing:

Hearing to Impose Fine/Lien

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

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated the permit expired 2 days ago after several extensions with no inspection.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day commencing March 18, 2021 and to continue until compliance is achieved, but not to exceed \$20,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019345 - KNIGHT TERRY JR

Served

Complaint No. 20191003002

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

Property Location: 1325 Pell Rd, Osteen 32764

Parcel No. 833000000160

Zoning: A-1

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on May 8, 2019

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

*1st Amended Order of Non-Compliance issued at the November 18, 2020 hearing:

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

Hearing to Impose Fine/Lien

Mark Watts, Attorney from Cobb/Cole and Cynthia Knight were present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated permit applications were submitted but they don't address all the issues with the property. A commercial electrical permit application was submitted to increase the electrical from 60 amp to 200 amp, at this time it is in the Zoning review process and expires on 7-27-21. A residential mechanical and plumbing permit applications were submitted and in the review process as well. They expire in July. Margaret stated the structural changes inside the converted barn have not been address. She added that the property appraiser still has this listed as a vacant residential property and there is still no AG value on the property. Margaret stated staff recommendation is imposing a fine to start August 19, 2021 at \$250.00 per day with no cap.

Member Dwyer asked if the respondent was working diligently on making progress. Margaret stated that it appears she is still holding weddings and that this has been an ongoing issue for a few years. Member Dwyer asked if the Fire Marshal was aware of the issues and what was their feedback. Margaret said yes they are aware and that they have a way to get the building sprinkled because the pond on site. Member Dwyer asked if this takes care of life safety issues and Margaret said it would for the fire issues but there could still be life safety issues with the electrical in the barn.

Mr. Watts stated the applications have all been turned in, he added that they are waiting on the Ag exemption which would be determined in June, and so the issue related to the zoning will be delayed until that time. They are happy to have anyone on the property for inspections. He added that we agree with the staff recommendation and that the goal is compliance. He said that in January they made the commitment that no additional weddings would be booked and a fire watch would be added to each of the weddings she already had on the books and she has made sure Fire Watch was at each event, he

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added that she has not taken new bookings. Member Needham asked how many present commitments are there. Mr. Watts said they are bookings out until June that were already booked before the last hearing in January. There are a total of 17 events and that no addition booking are being taken. Margaret then added that her only issue is that years ago Zoning told her to cease all weddings and she kept having them.

Mr. Watts stated that the recommendation is to impose the fine in August but if Member Needham would like they could come back next month to confirm Fire watch and that inspections are being done they would be happy to do so. Member Needham said yes he would like them to come back next month to show what was completed and to give a comfort level on people's safety.

Kerry Leuzinger said the permits are in review and a special exception will be required per Zoning and that permits will not be issued until the special exception is resolved. Member Needham asked how long this process was going to take. Kerry stated that his stance on this is, they are operating a venue as an assembly occupancy and they are doing so without a certificate of occupancy to do so and in his opinion they should not be hosting any events from this point forward, and if the Fire Marshall is working with them on some kind of fire watch that is his call but as the Chief Building Official this building should not be used for what they are using it for.

Chairman Lingenfelter asked what agricultural use has been in the building. Mrs. Knight said her husband uses it to store tractors, cow and horse feed. She said they move it out for the weddings and put it back afterwards.

Chris Hutchison said that he just spoke with Shane Lanue, Fire Marshall for Volusia County, on the phone and asked him if he was aware if there was fire watch on the property. Shane Lanue said that he heard we Okayed them through the board to hold fire watches but he has not been contacted at all and that he was unaware of any fire watches that have been approved by the county.

Mr. Watts asked Mrs. Knight to speak about the prior visits with the fire marshal. Mrs. Knight said Shane was one of the 2 that came out last year, she didn't have an exact date. The only thing that was recommended was having 2 additional fire extinguishers, which was done immediately. She also added she called a fire fighter friend she knew and was told the fire department does not actually do it, so the friend contacted his boss and was directed to the Security Guard Services of Fire Credentials and that is who was hired.

Member Dwyer asked can we get input from the Fire Marshal and it was said that he would be invited to the next meeting.

Scott Ashley, Senior Zoning Manager, said this is an old agriculture structure that has
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been modified and revised. Ag Tourism statute states you cannot build a brand new building or alter an existing as such to change the nature of it to make it a purpose built structure, that's what we believe that this is no longer or on the way to not being an AG structure. Some of the buildings don't meet set back s and that's why a special exception needed.

Mr. Watts said the special exception is pending and more will be known in June when the property appraiser has the value board.

Sebrina Slack, County Attorney, added that it was recommended that there be no further events. Mr. Watts stated it was said that no additional events be booked and that any existing events would have a fire watch scheduled.

After discussion and based on the testimony and evidence presented, Member Nadeau **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 17, 2021 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

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CEB2020174 - BELL RICHARD P TR

Served

Complaint No. 20200811078

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291 violation of the final site plan

Property Location: 1731 S Woodland Blvd, Deland 32724

Parcel No. 70280600010

Zoning: B-5C

Code Compliance Officer – Margaret Godfrey

Property owner was first notified of the violation on 8-28-20

*Order of Non-Compliance issued at the September 16, 2020 hearing:

*1st Amended Order of Non-Compliance issued at the November 18, 2020 hearing:

Hearing to Impose Fine/Lien

Mike Tuma, Attorney was present at the hearing for this case.

Margaret Godfrey, code compliance, and Todd Hannah, Environmental Specialist II, presented the cases together. Margaret went over the case details, showing photos. Margaret stated they have met on site with Mr. Tuma the Attorney. She said there was a final site plan application submitted on 11-13-20 and while in the review process it was noted that the application was incomplete and was being held until a completeness check can be performed. The land development department sent a letter that said a demolition plan is needed to illustrate the removal of trees and demolition of existing paving that has already occurred and a tree planting plan with planting details is also required. She said they submitted a hand drawing on December 7, 2020 and those are deemed incomplete. There have been no further submissions and the conditions remain the same. Todd Hannah then went over his photos showing which trees were removed, improperly pruned and destroyed.

Mr. Tuma stated that he did come meet with Land Development and was provided a long list of deficiencies. He added they have identified the number of trees to be replaced.

Bill Chapman, All Florida General Contractors and was hired by Mr. Bell to resolve the issues, said he submitted the permit to remove the concrete. Bill said he came in to speak with environmental about the trees as they are all grown back to the power lines and need to be trimmed back again, he was told that they were effectively destroyed due to being trimmed back to much and would still need to be replaced. He also stated that he was hired 8 days ago and if he is given 30 days he would have all issues resolved.

Scott Ashley added that there needs to be a revised engineered site plan and landscape plan. This is not a street front that was disturbed and altered, it's some of the buffer areas that are seen in the plan.

Mr. Tuma added a comment that it has taken awhile to figure out what was going on and would hate for the Board to think they were ignoring the requests.

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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 \$250.00 per day/per case commencing April 22, 2021 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2020022 - BELL RICHARD P TR

Served

Complaint No. 20200109006

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2) Description: Removal of any tree without first obtaining a tree removal permit from the County Forester

Property Location: 1731 S Woodland Blvd, Deland 32724

Parcel No. 702806000010

Zoning: B-5C

Environmental Specialist II - Todd Hannah

Property owner was first notified of the violation on 3-11-20

*Order of Non-Compliance issued at the September 16, 2020 hearing:

*1st Amended Order of Non-Compliance issued at the November 18, 2020 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 \$250.00 per day/per case commencing April 22, 2021 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2).** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2020062 - J & J BRYAN INC

Served

Complaint No. 20190920024

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) Several expired permits on this property and one is for a pool

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:

Hearing to Impose Fine/Lien

Walter Riddell, concerned citizen, was present at the hearing for this case.

Margaret Godfrey, code compliance, presented both cases together in Debbie Zechnowitz's absence. Margaret went over the case details, showing photos. Margaret stated there was a staff meeting on site on February 5, 2021. She said Colleen Miles sent in photos of what they are doing to get into compliance. Margaret showed a list of all the expired permits per the County records. Margaret stated that Debbie has seen progress of things getting done and has recommended a 2nd Amended Order of Non Compliance.

Member Needham disclosed that he has spoken about the drainage issues in the architectural review board.

Walter said the original hearing was June 17, 2020 so this has been going on for over 8 months and that it has taken months for things to be done. His concern is that Colleen Miles said everything would be taken care of and nothing is being done and that the fines should be enforced.

Chris Hutchison added that Paul Traider, Tom Legler and Shane Mulligan were on site for the meeting on February 5th along with Colleen Miles, and it was at the time Debbie was positive they were doing what needs to be done.

Scott Ashley stated the easement is greater than the setback requirement issue and can't be fixed with a variance. Chairman Lingenfelter said then your response to the variance application is this is a nonstarter because you're within a drainage easement. Scott Ashley said yes.

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 \$250.00 per day/per case commencing March 18, 2021 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.**

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After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.
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:

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 \$250.00 per day/per case commencing March 18, 2021 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2020167 - BICKEL ROBERT JOHN

Served

Complaint No. 20200609032

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

Property Location: 1205 San Jose Blvd, Daytona Beach 32117

Parcel No. 424219150050

Zoning: R-5

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Jun 11, 2020

*Order of Non-Compliance issued at the January 20, 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 February 3, 2021 and the property remains the same and there has been no contact with the owner.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing March 18, 2021 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, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2020242 - BICKEL ROBERT JOHN

Served

Complaint No. 20200609033

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: 1205 San Jose Blvd, Daytona Beach 32117

Parcel No. 424219150050

Zoning: R-5

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Jun 11, 2020

*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 Needham **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing March 18, 2021 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 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34.** After Member Nadeau February 17, 2021

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

CEB2020205 - GARROW NATHAN LEE

Served

Complaint No. 20200414041

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 or remodel with no evidence of required permits / inspections or approvals. Interior / exterior renovation; Asphalt roof cover; Structural roof framing; Siding; Windows - (canceled permit applications # 20130925021 / 20131219002). Plumbing; Electrical; Mechanical. May not be a complete list.

Property Location: 280 W Minnesota Ave, Orange City 32763

Parcel No. 800302000013

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 15, 2020

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

Hearing to Impose Fine/Lien

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

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated an after the fact permit was submitted to address the renovations and is still in the new status and that it is valid until July.

Chairman Lingenfelter asked if the scope of the permit included everything and Margaret stated yes she believes so.

After discussion and based on the testimony and evidence presented, Member Needham **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 April 21, 2021 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

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CEB2020282 - WINES RONALD

Served

Complaint No. 20200929055

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). There is an expired mobile home replacement permit on this property and there is a home on site. This is in conjunction with an environmental violation

Property Location: 100 West Loop, Oak Hill 32759

Parcel No. 950600011210

Zoning: MH-5

Code Compliance Officer - Fred Eastwood

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

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

Hearing to Impose Fine/Lien

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 the permit was reinstated with an expiration date of August 21, 2021.

After discussion and based on the testimony and evidence presented, Member Needham **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 August 18, 2021 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

February 17, 2021

CEB2020274 - WINES RONALD

Served

Complaint No. 20200413023

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-842(i)(2) Description: Failure to replace, within sixty (60) days, any replaced tree that dies or is determined to be effectively destroyed within two (2) years of being planted.

Property Location: 100 West Loop, Oak Hill 32759

Parcel No. 950600011210

Zoning: MH-5

Environmental Specialist II – Julie McCrystal

Property owner was first notified of the violation on Aug 24, 2020

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

Hearing to Impose Fine/Lien

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

Julie McCrystal, Environmental Specialist II, presented the case. Julie went over the case details, showing photos. Julie stated that Mr. Wines is trying to come into compliance and only has 1 tree left to plant and that the permit was reinstated.

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 72, ARTICLE III, DIVISION 10 SECTION 72-842(i)(2), with a Hearing to Impose Fine set for the August 18, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

February 17, 2021

X. Hearings and Presentation of Filed Notices of Violations

CEB2020261 - FLAGLER AVENUE REALTY LLC

Served

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

Complaint No. 20201027054

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III DIVISION 12 SECTION 72-924 Description: decorative string lights along upper deck/restaurant area; unshielded pole light in SE parking lot area

Property Location: 521 Flagler Ave, New Smyrna Beach 32169

Parcel No. 745501000260

Zoning: 999

Sea Turtle Lighting Specialist - Nicole Weiss

Property owner was first notified of the violation on 11-6-20

Previous case CEB2018347

James Mason, General Manager of Restaurant, was present at the hearing for this case.

Nicole Weiss, code compliance, presented the case. Nicole went over the case details, showing photos. Nicole stated this is a repeat violation and that the Owner and Manager were contacted on 5-22-20 about the violations via email. Nicole showed photos of the lights that are visible at the beach. She said the final inspection was done in October and showed photos that the violations were still present. She did say that they are very diligent about getting the bistro lights covered but the issues keep happening since they don't have a more permanent fix. She said they had another meeting and they have now ordered black shields for the lights instead of using pool noodles.

Member Needham asked if Nicole was confident that the things being done would be in compliance before turtle season starts again, Nicole said they have given no reason that it wouldn't be done and that they plan to do an inspection before to be sure.

James said he totally understands about the bistro lights since they are an outdoor restaurant and that he is removing as much of the lights as he can and covering the ones that are still needed.

Jennifer Winters added that she has been involved with this property since 2012 and that it was her direction to have this case brought back to Code Enforcement as there is a long history of violations. She added the problems have lessened and not as bad as they use to be but again with the history of the back and forth. She also said that the owner is not here today and this meeting was rescheduled to fit in his schedule.

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an Order of Non-Compliance and a One Time Fine of \$1,000.00 payable within 30 days for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE III DIVISION 12 SECTION 72-924.** After Member Dwyer

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

CEB2020032 - ANDERSON KELLY

Served

Complaint No. 20191010044

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: 1612 Granada Ave, Daytona Beach 32117

Parcel No. 424219100120

Zoning: R-5

Code Compliance Officer - Robert Chayer

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

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 he has had no contact with the property owner and the violations remain.

Note: Due to an unnoticed audio malfunction there is no recording of this case.

After discussion and based on the testimony and evidence presented, Member Nadeau **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 May 10, 2021 and a Hearing to Impose Fine is set for the May 19, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2020033 - ANDERSON KELLY

Served

Complaint No. 20191008042

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

Property Location: 1612 Granada Ave, Daytona Beach 32117

Parcel No. 424219100120

Zoning: R-5

Code Compliance Officer - Robert Chayer

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

Note: Due to an unnoticed audio malfunction there is no recording of this case.

After discussion and based on the testimony and evidence presented, Member Nadeau **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 May 10, 2021 and a Hearing to Impose Fine is set for the May 19, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** February 17, 2021

unanimously by voice vote.

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. 910804000010

Zoning: R-3(1) EA, RCEA

Code Compliance Officer – Margaret Godfrey

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

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

Margaret Godfrey, code compliance, presented the 2 cases together. Margaret went over the case details, showing photos. Margaret stated that the original complaints came in for boats, RV's and work being done without permits, the boats and RV's were moved but the building violations remained. Margaret stated they had a meeting with Zoning, Planning, Environmental and the Legal Department on June 1, 2020. Staff received an email from Jane Rourke stating that she did not alter the wetlands and that Tom Legler had been to the property and signed off on the dock. Tom Legler did an inspection on 3-11-20 and a certificate of completion was issued, it was noted that Tom told the property owner that the covering on the floating dock would need to be permitted. Margaret said that on February 1, 2021 there was an onsite meeting to see the extent of the violations. Margaret said there was an RAS permit issued for the floating dock and during the environmental review inspection it was revealed that a large pile of fill had been placed on site within the 25 foot buffer. A second environmental review inspection was done and revealed that the fill had been spread out in the buffer in the form of a berm and had been planted with grass seed. The fill will not be permitted by Volusia County Environmental management and is required by law that all new fill be removed from the area to allow to revegetate naturally, this must be done prior to the final wetland inspection. Margaret showed pictures from 2006 to 2020 showing the extent of work that had been done on the property. She stated they received a variance for the pool a few years back. Margaret said the shed is actually attached the house and was not permitted. Margaret said Chris Hutchison and herself met with Bob Foster to go over what needs to be done a few days ago. Todd Hannah showed his presentation and said these were all the same pictures Margaret had.

Mr. Foster said this situation is very confusing and complex. He said that at the last meeting they would have to determine the mean high water mark, which they did go to a surveyor who was unable to get in there due to high waters. Mr. Foster said they know the deck has to be dealt. Mr. Foster said he was told a list would be completed with all the things that need to be done and confirmed they did have a meeting to go over the issues. Mr. Foster said they are having another meeting on the 4th and will start working on getting the variances and any other issues.

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Scott Ashley said a variance application was submitted but an accurate survey is needed to determine what the mean high water mark is to determine the setbacks from that point.

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 May 10, 2021 and a Hearing to Impose Fine is set for the May 19, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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

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 72, ARTICLE III, DIVISION 11 SECTION 72-884 With a compliance date of May 10, 2021 and a Hearing to Impose Fine is set for the May 19, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2020098 - FERGUSON MICHAEL A & DONNA S

Served

Complaint No. 20191230002

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) according to the property appraiser, there are 2 accessory structures that are misc. improvements but no sign of a permit. There are also deck and porch improvements

Property Location: 6180 Winning Wood Tr, Deleon Springs 32130

Parcel No. 592600000180

Zoning: FR (4)

Code Compliance Officer - Peter Hinson

Property owner was first notified of the violation on Dec 30, 2019

Michael and Donna Ferguson were present at the hearing for this case.

Peter Hinson, code compliance, presented the case. Peter went over the case details, showing photos. Peter stated there are no permits on file for the large green barn and 2 smaller sheds, along with the addition to the mobile home.

Mr. Ferguson said that these were on the property, he said they built the sun porch and that the barn was already there but they did rebuild a 10x 5 room for an air compressor. It was then explained that whoever he bought the property from never pulled the permits and that he now inherits this problem.

Peter said they would need to apply for a residential permit for the addition to the mobile home. He would also need permits for the smaller sheds.

Member Dwyer asked if Peter would change his recommendation for the compliance and next hearing date and Peter said yes.

After discussion and based on the testimony and evidence presented, Member Nadeau **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 May 10, 2021 and a Hearing to Impose Fine is set for the May 19, 2021 hearing.**

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

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CEB2020192 - RILEY SHANE E

Served

Complaint No. 20200302041

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: 1050 W Blue Springs Ave, Orange City 32763

Parcel No. 801000000220

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 9-21-20

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

Margaret Godfrey, code compliance, presented the 2 cases together. Margaret went over the case details, showing photos. Margaret stated that staff received a complaint about the house having boarded up windows and structures on the property without permits. An onsite inspection also showed what appeared to be inoperative vehicles. Margaret stated that Mr. Riley was advised on what to do about permitting and the boarded up windows and that there has been no further contact since December 15, 2020.

Note: Due to an unnoticed audio malfunction there is no recording of this case.

After discussion and based on the testimony and evidence presented, Member Needham **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 April 7, 2021 and a Hearing to Impose Fine is set for the April 21, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2020193 - RILEY SHANE E

Served

Complaint No. 20200911015

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

Property Location: 1050 W Blue Springs Ave, Orange City 32763

Parcel No. 801000000220

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 9-21-20

Note: Due to an unnoticed audio malfunction there is no recording of this case.

After discussion and based on the testimony and evidence presented, Member Needham **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 April 7, 2021 and a Hearing to Impose Fine is set for the April 21, 2021 hearing.**

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

CEB2020225 - ROUT HOLLY

Served

Complaint No. 20200219087

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: 284 Lemon Bluff Rd, Osteen 32764

Parcel No. 911300000099

Zoning: A-1, OTR-2

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 9-26-20

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

Margaret Godfrey, code compliance, presented the 3 cases together. Margaret went over the case details, showing photos. Margaret stated a complaint was received about junk and vehicles without tags and while researching the property staff noticed a shredded tarp on the roof. Margaret said there have been no permit applications for the roof and the other cited issues remain unchanged.

Note: Due to an unnoticed audio malfunction there is no recording of this case.

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 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 With a compliance date of April 3, 2021 and a Hearing to Impose Fine is set for the April 21, 2021 hearing.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2020226 - ROUT HOLLY

Served

Complaint No. 20200219090

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

Property Location: 284 Lemon Bluff Rd, Osteen 32764

Parcel No. 911300000099

Zoning: A-1, OTR-2

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 9-26-20

Note: Due to an unnoticed audio malfunction there is no recording of this case.

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**

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of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a compliance date of April 3, 2021 and a Hearing to Impose Fine is set for the April 21, 2021 hearing. After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021005 - ROUT HOLLY

Served

Complaint No. 20210107030

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

Property Location: 284 Lemon Bluff Rd, Osteen 32764

Parcel No. 911300000099

Zoning: A-1, OTR-2

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 1-9-21

Note: Due to an unnoticed audio malfunction there is no recording of this case.

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 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE With a compliance date of April 3, 2021 and a Hearing to Impose Fine is set for the April 21, 2021 hearing.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2020279 - CALLAHAN JAMES R & MICHAEL C

Served

Complaint No. 20191125049

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 of mobile home down on ground as well as carport has fallen down.

Property Location: 1005 Shady Park Ter, Daytona Beach 32117

Parcel No. 520201000030

Zoning: R-4

Code Compliance Officer - Robert Chayer

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

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 of the unmaintained structure and said the conditions remain and there has been no contact with the owner.

Note: Due to an unnoticed audio malfunction there is no recording of this case.

After discussion and based on the testimony and evidence presented, Member Nadeau **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 3, 2021 and a Hearing to Impose Fine is set for the March 17, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2020280 - FLORIDA ACQUISITIONS LLC

Posted

Complaint No. 20190614040

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. New window(s) / door(s); Window removal w/ CMU in-fill exterior wall; New plumbing / plumbing rework; New electrical / electrical re-work; May not be a complete list.

Property Location: 705 Temple Ave, Orange City 32763

Parcel No. 800307000950

Zoning: R-4

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Feb 08, 2020

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 there was a residential permit pulled and then expired on November 4, 2020. The last inspection was on February 3, 2021 and the property remains in violation.

Note: Due to an unnoticed audio malfunction there is no recording of this case.

After discussion and based on the testimony and evidence presented, Member Nadeau **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 April 16, 2021 and a Hearing to Impose Fine is set for the April 21, 2021 hearing.**

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

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CEB2020298 - ACTION MORTGAGE OF CENTRAL FLORIDA INC **Posted**

Complaint No. 20201006036

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 a bathroom and bedroom addition at some point / change in footprint? / hacked open unfinished walls to install plumbing fixtures / waste and water lines randomly emerging from walls, floors, grass / no plumbing vents / exterior water lines on grade that run to the back porch washer / washer waste water that bubbles out in the back yard grass and constant wet area / questionable electric / some non-working doors & windows / fit, finish and workmanship on just about everything.

Property Location: 1112 S Parsons Ave, Deland 32720

Parcel No. 702000000180 **Zoning: R-5**

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Oct 6, 2020

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 violation was first observed on October 6, 2020 and at the last inspection on February 3, 2020 the property remains in violation.

Note: Due to an unnoticed audio malfunction there is no recording of this case.

After discussion and based on the testimony and evidence presented, Member Needham **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 April 16, 2021 and a Hearing to Impose Fine is set for the April 21, 2021 hearing.**

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

February 17, 2021

CEB2020308 - 1430 COUNTY LINE ROAD LLC

Served

Complaint No. 20191210028

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). (Barn conversion

Property Location: 1430 County Line Rd, Oak Hill 32759

Parcel No. 94420000024

Zoning: A-1W

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Nov 23, 2020

Gary Weaver the GC, Jim & Gayle Watson and Susan O'Neil were present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated the case was for a barn that was converted into a wedding venue. Margaret said there were meeting years ago concerning the AG exemption and that the original case was withdrawn. Staff was then informed that the barn itself was about an acre away from the land that was actually exempted. Staff met with Gayle Watson to go over what was needed to bring the property into compliance on December 1, 2020, Gayle had the plans that were drawn up. In February a RAS permit application was submitted for an after the fact permit for a barn and the application is valid until 8-3-21, but she is unsure if the permit will take care of the violation as there are 2 bathrooms, kitchen, fireplace and outside covered area. Margaret added it can't be an accessory structure as there is no primary on the property. Margaret went over the criteria for an After the Fact Construction. Margaret said Mr. Weaver submitted a permit application and a request for additional information was sent on February 10, 2021.

Mr. Weaver stated he was hired to get these issues resolved, he said he started doing research and noticed the building was built in the late 60's and that there was 17 parcel put together at the county level and then broke up into 3 parcels, the barn was originally part of a different parcel and he brought documents to show the permits that were applied for on the barn.

Margaret said that the barn was a pole barn in 1968 and the 2 electrical permits being referenced are for 1456 County Line Rd not 1430, and that it was a completely different parcel number.

Mr. Weaver showed a document that shows the combination of parcels and that the permits were pulled under that. He also had documents with the electrical permits and it states the Red Barn on the property.

Margaret added that regardless of the electrical permits the conversion of the barn was not permitted. Member Dwyer then asked where the permits for the conversion are.

February 17, 2021

Mrs. Watson went over some of the history of the property. She stated that the barn existed as you see it now when it was purchase in 2001. She said that her husband worked on the property for years. Mrs. Watson said the only thing they did was paint the walls, upgraded the toilets and she did upgrade the kitchen and had the Fire Marshall come up and they were cleared by the Fire Marshall to continue. She said they did apply for the rural event center.

Member Dwyer asked the conversion was not permitted but Mrs. Watson said the conversion was done before. Mrs. Watson said yes. Margaret pointed out in the ad it says the conversion was done in 2014. Mrs. Watson said that it was referring to replacing the toilets and painting, all the plumbing already existed and all they did was spruce the place up.

Chairman Lingenfelter said there testimony is that it was converted in the 60's, if that's true have they done anything that required a permit. Margaret asked when the kitchen went in and Mrs. Watson said it was done in the 60's. Chairman Lingenfelter added we didn't have a building code or require permits until the 70's and asked if anything was done after that, Margaret said the electrical, plumbing work and there is a new roof on there. Chairman Lingenfelter said if it's a new panel and not AG exempt and now there is a new roof.

Mr. Weaver showed the electrical permit and explained at the time it was done under the other parcel as it was during the time of the split and it also shows on the permit the Red Barn, the 2nd permit was for moving the meter of the barn and everything traces back to the barn. Chairman Lingenfelter asked if there are numbers on the building, Mrs. Watson said yes 1430 he then asked was there ever 1456 she said no but that's where the mail was sent.

Chairman Lingenfelter asked if any work was done to the barn that would have required permits. Margaret added the siding and the covered patio area.

Mr. Watson got up and spoke and explained some of the history. Mr. Watson said they did replace the siding as it was blown off during a hurricane.

Margaret said Legal would like to continue this case so they could do more research with the property appraiser.

Ms. O'Neil, possibly purchasing the property added that before she purchases the property she wants reassurance that these issues are not going to come up again in years down the road. Member Needham asked what her intentions are with the property and Ms. O'Neil said to use it for horses, sheep and a pig.

February 17, 2021

Chairman Lingenfelter asked if the board would entertain a motion to find No Violation and Dismiss.

Sebrina Slack added that the fire place is a very big concern, Mrs. Watson said it is an insert and electric and is not used.

Member Dwyer made a Motion to continue the case to March 17, 2021 and Chairman Lingenfelter opposed. Sebrina Slack added that the property will still be looked into and may be recited once more research is done.

Member Needham made a Motion to reconsider the original motion which Chairman Lingenfelter opposed and then below Motion was made.

After discussion and based on the testimony and evidence presented, Chairman Lingenfelter **MOVED to issue an Order of Dismissal 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 **then CARRIED** by voice vote.

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CEB2020313 - SILVIA GARY & CYNTHIA A

Served

Complaint No. 20201005048

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: 20 Seaview Dr, Ormond Beach 32176

Parcel No. 323405001110

Zoning: R-5

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Nov 17, 2020

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 said he has had no contact with the owner and that the truck was moved from the ROW to the driveway. Robert said his last inspection was on February 5, 2021 and the vehicle was gone.

Note: Due to an unnoticed audio malfunction there is no recording of this case.

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order of Non-Compliance and Order of Dismissal for violation of Volusia County Code of Ordinances CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

February 17, 2021

XI. Requests for Discussion of Accumulated Fines

CEB2018425 – THREE D MANAGEMENT CORP/DOUG RUMERY

Posted

Complaint No. 20180820091

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). (2 expired permits

Property Location: 1888 John Anderson Dr, Ormond Beach 32176

Parcel No. 324103000033

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Sept 21, 2018

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

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

*2nd Amended Order of Non-Compliance issued at the February 19, 2020 hearing:

*3rd Amended Order of Non-Compliance issued at the August 19, 2020 hearing:

*4th Amended Order of Non-Compliance issued at the November 18, 2020 hearing:

*Final Order Imposing Fine Lien issued at the January 20, 2021 hearing:

Request for Discussion of Fine Start Date

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

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret said that the permits are now valid until May 5, 2021 and is recommending a 1st Amended Order to change the fine start date.

Note: Due to an unnoticed audio malfunction there is no recording of this case.

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue a First Amended Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day commencing August 19, 2021 and to continue until compliance is achieved, but not to exceed \$65,000.00 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 **then CARRIED** by voice vote.

February 17, 2021

- 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**

While working on minutes it was noticed that the Audio on both the Digital Court Recorded and the Webinar stopped at the 3:12:33 mark. The cases effected by this technical glitch are CEB2020032, CEB2020033, CEB2020192, CEB2020193, CEB2020225, CEB2020226, CEB2021005, CEB2020279, CEB2020280, CEB2020298, CEB2020313 and CEB2018425.

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ADJOURNMENT

There being no further business to discuss before the Board, the meeting adjourned at 12:35 pm.

Respectfully submitted,

Ramona Jones
Code Enforcement Board Clerk

February 17, 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 February 17, 2021, at 123 West Indiana Avenue, Deland, Florida.

WITNESS MY HAND this 26th day of February, 2021, in the City of DeLand, County of Volusia, State of Florida.

**Ramona Jones
Code Board Clerk**

February 17, 2021