Chairman Harry Wild, Jr. called the regularly scheduled, Code Enforcement Board Meeting to order at 9:30 a.m. in the County Council Chambers on the second floor of the Thomas C. Kelly Administration Building located at 123 West Indiana Ave., Deland, FL 32720.

MEMBERS PRESENT
Harry Wild, Jr., Chair
Joe Rudolph
Donald Needham
Kenneth Runge
Barbara Girtman
Charles Cino, Board Attorney
Gerard Smith

MEMBERS ABSENT
Pete A. Zahn, Jr., Vice Chair

STAFF PRESENT
Bryan Jiles, Zoning Compliance Manager
Ann Allen, Zoning Compliance Officer
Debbie Zechnowitz, Zoning Compliance Officer
Beverly Abrahamson, Building Compliance Officer
Christopher Hooper, Zoning Compliance Officer
Rob Walsh, Code Enforcement Project Manager
Margaret Godfrey, Code Enforcement Board Clerk
Mike Nelson, Building and Zoning Director
Joe Levrault, Chief Building Official
Michael Mazzola, Zoning Compliance Officer
Mark Jones, Building Inspector/Compliance Officer
APPROVAL OF MINUTES

Member Rudolph moved to APPROVE the February 17, 2016 Code Enforcement Board minutes. Member Needham SECONDED the motion that CARRIED unanimously by voice vote.

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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.

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UNFINISHED BUSINESS

CEB2013089-MASTENBROOK, RANDALL L & JILL A Served
Complaint No. 20130506014
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). (renovations & additions)
Property Location: 2218 Hontoon Rd, Deland 32720
Parcel No. 793600000017 Zoning: RR
Building & Zoning Compliance Officer - Beverly J. Abrahamson
Property owner was first notified of the violation on May 07, 2013
*Order of Non - Compliance issued at the August 21, 2013 hearing:
*Final Order of Non - Compliance/Imposing Fine Lien issued at the November 20, 2013 hearing:
*A Report and Affidavit of Compliance was submitted with a compliance date of February 15, 2016:

Order of Compliance

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

CEB2014162-GSMS 2005 GG4 OCEAN WALK Served
Complaint No. 20140711010
Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III DIVISION 12 SECTION 72-924 Description: Lights illuminating and/or visible from the beach during sea turtle nesting season.
Property Location: 250 N Atlantic Av, Daytona Beach 32118
Parcel No. 530405040100 Zoning: City
Sea Turtle Conservation Plan Manager-Jennifer Winters
Property owner was first notified of the violation on August 7, 2014
*Final Order of Non - Compliance/Imposing Fine Lien issued at the October 15, 2014 hearing:
*A Report and Affidavit of Compliance was submitted with a compliance date of November 1, 2015:

Order of Compliance

March 16, 2016
Based on a submitted Report and Affidavit of Compliance, Member Rudolph MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance. After Member Needham SECONDED the motion, it CARRIED unanimously by voice vote.

CEB2015001-HARPER, WILLIAM   CHARRON, ROBERT, new owner   Posted
Complaint No. 20141121034
Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s) (Unsecured pool)
Property Location: 1475 Shadowbrook Tr., Enterprise 32725
Parcel No. 910801000124   Zoning: RRE
Building Compliance Officer – Beverly Abrahamson
Property owner was first notified of the violation on December 12, 2014
*Order of Non - Compliance issued at the February 18, 2015 hearing:
*1st Amended Order of Non-Compliance issued at the March 18, 2015 hearing:
*2nd Amended Order of Non-Compliance issued at the September 16, 2015 hearing:
**Hearing to Impose Fine/Lien**

The respondent was not present at the hearing.

Beverly Abrahamson, building compliance officer, presented the case. She reminded the board about the case. She said that the pool is still secured and the new owner is working on bringing the violation into compliance, but the temporary structure addresses the immediate concern for safety. She then asked the board for a third amended order of non-compliance with a hearing to impose fine be set for the September 21, 2016 hearing.

Member Rudolph then made a motion to go along with staff’s recommendation and Member Runge seconded it.

After discussion and based on the testimony and evidence presented, Member Rudolph MOVED to issue a Third Amended Order of Non-Compliance with a hearing to impose fine set for the September 21, 2016 hearing. After Member Runge SECONDED the motion, it CARRIED unanimously by voice vote.
CEB2015083-KRATZERT, BRUCE B & DAVID

Complaint No. 20150323024
Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). (Unsecured pool)
Property Location: 791 Old Treeline Tr., Deland 32724
Parcel No. 603823000500 Zoning: PUD
Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on April 10, 2015
*Order of Non - Compliance issued at the September 16, 2015 hearing:
Hearing to Impose Fine/Lien

The respondent was not present at the hearing.

Beverly Abrahamson, building compliance officer, presented the case and reminded the board what the case was about and stated that a fence permit has been issued and an inspection was performed, but it was unable to pass at this time. Additional repairs are needed to repair the latches on the fence, but the pool is still secure. She then requested a first amended order of non-compliance with a hearing to impose fine be set for the September 21, 2016 hearing.

Member Rudolph made a motion to go along with staff’s recommendation and Member Smith seconded it.

After discussion and based on the testimony and evidence presented, Member Rudolph MOVED to issue a First Amended Order of Non-Compliance with a hearing to impose fine set for the September 21, 2016 hearing. After Member Smith SECONDED the motion, it CARRIED unanimously by voice vote.

CEB2015107-KING, ROBERT L & MARGO

Complaint No. 20101011035
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). (additions/alterations & accessory structures)
Property Location: 4226 Quail Nest Ln., New Smyrna Beach 32168
Parcel No. 820101050090 Zoning: A-2, RA, RA
Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Jan 19, 2012
*Order of Non - Compliance issued at the February 17, 2016 hearing:
Hearing to Impose Fine/Lien

The respondent was not present at the hearing.

Beverly Abrahamson, building compliance officer, presented the case. She reminded the board about the case. She said that an affidavit was submitted by a certified electrical
contractor certifying the safety of the electrical system was turned in within 10 days of the last hearing, as per the board, and was accepted by the building official. A permit application was submitted and is now in plan review and the property owners are working to bring the property into compliance. She then requested a first amended order of non-compliance with a hearing to impose fine be set for the April 20, 2016 hearing.

Member Rudolph made a motion to go along with staff’s recommendation and Member Girtman seconded it.

After discussion and based on the testimony and evidence presented, Member Rudolph MOVED to issue a First Amended Order of Non-Compliance with a hearing to impose fine set for the April 20, 2016 hearing. After Member Girtman SECONDED the motion, it CARRIED unanimously by voice vote.

CEB2015124-MOORE, THOMAS WILLIAM
Posted Complaint No. 20131009001
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).
(Renovations)
Property Location: 104 E Gardenia Dr., Orange City 32763
Parcel No. 801403070030 Zoning: R-4
Building Compliance Officer - Beverly J Abrahamson
Property owner was first notified of the violation on May 03, 2014
*Order of Non - Compliance issued at the November 18, 2015 hearing:
*1st Amended Order of Non-Compliance issued at the December 16, 2015 hearing:
Hearing to Impose Fine/Lien

The respondent was not present at the hearing.

Beverly Abrahamson, building compliance officer, presented the case, and reminded the board what the case was for. She said that a building permit was reinstated on December 1, 2015. A building inspection was approved on February 23, 2016 and that makes the permit valid until August 29, 2016. She then requested a second amended order of non-compliance with a hearing to impose fine be set for the September 21, 2016 hearing.

Member Needham made a motion to go along with staff’s recommendation and Member Smith seconded it.

After discussion and based on the testimony and evidence presented, Member Needham MOVED to issue a First Amended Order of Non-Compliance with a hearing to impose fine set for the September 21, 2016 hearing. After Member Smith SECONDED the motion, it CARRIED unanimously by voice vote.
The respondents, Leslie and James Smith, were present at the hearing and gave their name and address for the record.

Beverly Abrahamson, building compliance officer, presented the case and reminded the board of the previous hearing. She stated that since that hearing, the power has been disconnected because they have not received an affidavit, from an electrical contractor, concerning the safety of the electrical system as was ordered to be done within 10 days from the hearing in December. She then said that staff was requesting a fine of $50 per day with a cap of $10,000.00 to begin on June 16, 2016.

Mr. and Mrs. Smith got up to speak. Mr. Smith showed a letter from an electrical contractor that had been to the property the first week in January. He stated that the electrician was waiting for the power company to shut the power off. He then said that on February 17, 2016, the electricity was shut off. He said that it happened without warning and all the food and medicine was lost.

Chair Wild asked if Mr. Smith had turned the letter over to the county and Mr. Smith said no because he had just gotten it the day before. Chair Wild suggested that if he shows the letter, and it is a certification, to the county, then maybe they could turn the power back on.

Mr. Smith said that after the hearing in December, he went home and popped the breakers out of the panel but then thought that there was nothing to guarantee the county that he wouldn’t pop the breakers back in. So he went and pulled about 15ft. of wiring out of the pipe that was in the barn and left it hanging in the air. There was no power left in that building whatsoever. He said that there were extension cords plugged in outside to get power to the work lights that were in there.

Chair Wild asked if Mr. Smith relayed any of that information to the county and ask the county for an inspection. Mr. Smith said that he talked to Joe Levrault, who sent Frank Godawa out to verify that the cables had been pulled out. Mr. Smith also said that he didn’t understand what part of that was imminent danger to anybody or to the property.
Chair Wild then asked if the board could see the letter from the electrician. The letter was then handed to the Clerk and placed on the overhead projector.

Joe Levrault, chief building inspector, got up to speak and said that when the board gave the okay to shut off the power, and email was sent to FPL but they didn’t respond to it. It wasn’t until later on, when Frank Godawa went out to the property, that they saw that the power was still on and a second request was sent to FPL to shut it off. He then said that the letter was dated March 15th and that was long after the time they were given to come back with an affidavit. He also said that there was a lot more going on, with the property, then just the panel. There were open boxes and wiring that was getting wet. He then mentioned that they have been working with Pete Zahn and his associates. He said that one of the associates was going to go over to the property to see if any of it can be salvaged. He then said that they were looking to give him 90 days to see if Pete Zahn can work up some plans and maybe get a permit to start working. Unless he sees a permit, he has no reason to put the power back on.

Mr. Smith asked why the power was terminated and Mr. Levrault said that there were several reasons including the panel, the power supply, the feeders, open boxes, the refrigerator was plugged into a cord outside and reminded him that they discussed this at their property.

Mr. Smith said that he took care of every bit of that and restated that the electrician did come out the first week in January, but found that the meter was still hot, so he was waiting. He said that there were no grounds whatsoever, for the power to be turned off, because there was no power going into the building. There was power outside the building so they could have extension cords, to the lights, so they could see in there.

Mr. Levrault said that he had never heard anything, from anyone, regarding any of the work that was done but any work that was done was unpermitted. He said that they were requesting 90 days before the fine starts was so the Smiths have time to work with Pete Zahn, get plans in, to see what they plan on saving, on the structure, and also the wiring and other trades. He then said that once they get that, issue a permit, have inspections done, they can put the power back on.

Mr. Smith asked why they couldn’t get the power turned back on now and Mr. Levrault said that there were too many violations on the property. Mr. Smith then asked if he could have a written list, of the violations, which caused them to terminate the power and also what part of the code gave them the authority to turn the power off and Mr. Levrault said that he could get them that.

Chair Wild asked if Mr. Smith had any more information for the board.

Mr. Smith said that according to a letter they received, from Mr. Levrault, that they were having the power turned off according to the building code, section 112.3. He said that that
section of the code states that “in an emergency, where there is imminent danger to life or property” and Chair Wild said that there were open electrical boxes and wires and Mr. Smith said that there were no open boxes hooked to any power whatsoever and there is no power going into the building.

Chair Wild then clarified that the county’s recommendation is to start a fine in 90 days which will give him time to get the work done and if he’s making progress, the board would consider extending that but right now, he has 90 days to work with an engineer, and see what direction he wants to go in, and get it resolved.

Mr. Smith asked if he could be given something in writing, that states why the power was terminated. Chair Wild said that Mr. Levrault would give him information on that.

Mrs. Smith got up and said that the pictures were not all correct, so she objected to them being shown and said that they have done a lot of work. Chair Wild said that this was a hearing to impose fine and they had the determination that they were in violation and that the pictures that they have helped them determine the violations and this was now passed the violation standpoint and now they are dealing with how they are going to get it corrected. Mrs. Smith said that they have already done a lot of the stuff and Chair Wild said that until the county inspects it, they can’t go by that and Mrs. Smith said that it was a little prejudiced towards them.

Chair Wild asked for a motion from the board.

Member Rudolph made a motion to go along with staff’s recommendation, and Member Girtman seconded it.

After discussion and based on the testimony and other evidence presented, Member Rudolph moved to issue an order imposing fine/lien with an assessed fine in the amount of $50.00 per day commencing June 16, 2016 and to continue until compliance is achieved, but not to exceed $10,000.00. Member Girtman seconded the motion that carried unanimously by voice vote.

Chair Wild explained, to the Smiths, what the motion meant.
Complaint No. 20150701032
Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 semi-trailer/railroad car and/or trailers converted into accessory structures, where not permitted
Property Location: 2089 Avocado Dr., Port Orange 32128
Parcel No. 622201000860 Zoning: RA

Zoning Compliance Coordinator - Tammy Proulx

Property owner was first notified of the violation on October 15, 2015

*Order of Non - Compliance issued at the December 16, 2015 hearing:

Hearing to Impose Fine/Lien

The respondents, Leslie and James Smith, were present at the hearing.

Complaint No. 20150701034
Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 Vehicle(s) that is/are inoperative and/or without current state license tag
Property Location: 2089 Avocado Dr., Port Orange 32128
Parcel No. 622201000860 Zoning: RA

Zoning Compliance Coordinator - Tammy Proulx

Property owner was first notified of the violation on Oct 15, 2015

*Order of Non - Compliance issued at the December 16, 2015 hearing:

Hearing to Impose Fine/Lien

The respondents, Leslie and James Smith, were present at the hearing.

Complaint No. 20150701035
Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE II DIVISION 7, SECTION 72-241 Junk yard where not permitted
Property Location: 2089 Avocado Dr., Port Orange 32128
Parcel No. 622201000860 Zoning: RA

Zoning Compliance Coordinator - Tammy Proulx

Property owner was first notified of the violation on October 15, 2015

*Order of Non - Compliance issued at the December 16, 2015 hearing:

Hearing to Impose Fine/Lien

The respondents, Leslie and James Smith, were present at the hearing.

Rob Walsh, code enforcement project manager, presented cases 2015163/165/166 together. He stated that staff was recommending that they have the same recommendation for a fine as the building case, CEB2015138.
Chair Wild asked to see current pictures and Mr. Walsh said that he didn’t have them at this time and the only photos they have are the photos that Frank Godawa took. Those were taken on February 15, 2016. He then stated that they have not been able to get back out to the property.

Chair Wild asked the Smiths if they have been able to do anything in regards to those cases and Mr. Smith said that they have gotten tags for everything except the Explorer. He said that the Explorer was sold but they were waiting on a locksmith because the key was lost. He went on to say that they have a dumpster and he is starting to load it up. He then pointed out, on the pictures, what was gone.

Chair Wild asked if 90 days would be a good start on getting it finished and Mr. Smith said that he thought so except for the shipping containers. He said that he tried to look at aerial photos that were taken before 1989 and said that he couldn’t see if they were there because of the trees.

Chair Wild asked if they were ready for a motion and Member Rudolph wanted clarification, from staff, as to what the amounts would be. Mr. Walsh said $50 per day, per case and $10,000.00 total for the 3 cases. Chair Wild then asked for further clarification on the amounts and Mr. Walsh said that they would be willing to consolidate the 3 and work with the Smiths on getting it cleaned up.

Attorney Cino suggested separating them into 3 cases as it looks like there could be compliance on one and not on another so this would be the cleanest thing to do.

Member Rudolph made a motion concerning case CEB2015163 first. He moved to have a fine begin on June 16, 2016 of $50.00 per day but not to exceed $10,000.00 and Member Runge seconded it. Before a vote was taken, Chair Wild wanted to discuss it. He suggested making it $15 a day or $20 a day as the county was looking to consolidate the cases. Attorney Cino said they could make a motion to amend the motion. Assistant county Attorney, Michael Rodriguez suggested that the cap be a total of $10,000 for all 3 cases or cap each one at a lower amount but keep the $50 per day, per case. Attorney Cino suggested that they lower it to $25 per day, per case and a cap of $5,000 per case.

Mr. Smith asked if the fines will still be imposed, even though some of the things have been taken care of and Chair Wild explained that that was why they won’t start for 90 days.

Member Girtman made a motion to amend the motion to be $25 per day with a $5,000 cap and Member Rudolph accepted the motion to amend his original motion and Member Runge seconded it.
After discussion and based on the testimony and other evidence presented, Member Rudolph MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of $25.00 per day commencing June 16, 2016, per day/per case and to continue until compliance is achieved, but not to exceed $5,000.00 per case for cases CEB2015163, CEB2015165, and CEB2015166. Member Girtman SECONDED the motion that CARRIED unanimously by voice vote.

CEB2015167-SMITH, LESLIE ANNE  
Sheriff Served

Complaint No. 20150701036
Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 Living in an RV or RV connected to water, sewer or electric lines, where not permitted
Property Location: 2089 Avocado Dr., Port Orange 32128
Parcel No. 622201000860  Zoning: RA

Zoning Compliance Coordinator - Tammy Proulx

Property owner was first notified of the violation on October 15, 2015
*Order of Non - Compliance issued at the December 16, 2015 hearing:

Hearing to Impose Fine/Lien

The respondents, Leslie and James Smith, were present at the hearing.

Rob Walsh, code enforcement project manager, presented the case. He asked the Smiths if they were still living in the R/V as the power has now been turned off. Mrs. Smith said no. Mr. Smith said that it was disconnected from everything.

Member Rudolph asked if they were withdrawing or complying the case and Mr. Walsh said that they couldn’t actually close the case until they can go back out and inspect so he was recommending a first amended order of non-compliance.

Member Rudolph made a motion and Member Smith seconded it.

After discussion and based on the testimony and evidence presented, Member Rudolph MOVED to issue a First Amended Order of Non-Compliance with a hearing to impose fine set for the June 15, 2016 hearing for case CEB2015167. After Member Smith SECONDED the motion, it CARRIED unanimously by voice vote.

Member Rudolph suggested that the Smiths get with staff to clearly understand what had just happened.
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).

(Shed)

Property Location: 17 Sand Dune Dr., New Smyrna Beach 32169
Parcel No. 743503040230
Zoning: R-4W

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Jan 08, 2013

*Order of Non - Compliance issued at the February 17, 2016 hearing:

Hearing to Impose Fine/Lien

The respondent was not present at the hearing.

Beverly Abrahamson, building compliance officer, presented the case and reminded the board what the case was about. She stated that there has been no building application submitted to date and the structure still remains. She stated that the property owner said that he has had some injuries, but still says that he plans on tearing down the structure, but at this time staff is requesting that a fine for $50 per day, but not to exceed $5,000.00, be started on April 21, 2016.

Member Rudolph made a motion to go along with staff’s recommendation and Member Smith seconded it.

After discussion and based on the testimony and other evidence presented, Member Rudolph moved to issue an Order Imposing Fine/Lien with an assessed fine in the amount of $50.00 per day commencing April 21, 2016 and to continue until compliance is achieved, but not to exceed $5,000.00. Member Smith seconded the motion that carried unanimously by voice vote.

X. Hearings and Presentation of Filed Notices of Violations

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, soffit & fascia)

Property Location: 104 Carolyn Ter., Daytona Beach 32118
Parcel No. 533405000140
Zoning: R-9

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on April 23, 2015

This case was continued to the April 20, 2016 hearing per the building compliance official
CEB2015171-LYTLE, KENNETH & DEBORAH
Complaint No. 20140603036
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).
(Additions)
Property Location: 196 Arbor Ln., Edgewater 32141
Parcel No. 8412-00-00-0100 Zoning: R3W, RCW
Building Compliance Officer – Beverly J Abrahamson
Property owner was first notified of the violation on June 5, 2014
This case was CONTINUED to the May 18, 2016 hearing per the building compliance official

CEB2016001-222 PROPERTIES LLC Served
Complaint No. 20150109020
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).
(Addition)
Property Location: 1913 Woodcrest Dr., Ormond Beach 32174
Parcel No. 422802000320 Zoning: MH-5
Building Compliance Officer - Beverly J Abrahamson
Property owner was first notified of the violation on Jan 10, 2015
This case was WITHDRAWN per the building compliance official

CEB2016008-WHEELER, GUY S. K. Served
Complaint No. 20150723010
Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C) Trailer improperly parked
Property Location: 14 Oak Tree Dr., New Smyrna Beach 32169
Parcel No. 743503010100 Zoning: R-4W
Zoning Compliance Officer - Debbie Zechnowitz
Property owner was first notified of the violation on Jan 02, 2016
This case was WITHDRAWN per the zoning compliance official
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). (Renovations)

Property Location: 740 S. Woodward Ave., Deland 32720
Parcel No. 701822000420 Zoning: R-3

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on January 7, 2016

The respondent was not present at the hearing.

Beverly Abrahamson, building compliance officer, presented the case. She stated that this case began in September, 2015 and an on site inspection confirmed that work had been done without the required building permits and inspections approvals. She showed and described the photos to the board. The work includes but is not limited to electrical, plumbing, new sliding doors, water heater, and air handler change out. The notice of violation and the notice of hearing were both returned unclaimed and the property had to be posted.

She stated the Frank Godawa, contractor licensing investigator, spoke to the property owner in regards to the work that was being done and the permitting requirements. She said that there have been several conversations with the realtor/sister of the property owner and there has also been a meeting with the building official but no permit applications have been submitted to date. The realtor/sister called the day before requesting a continuance, because the contractor had a death in the family and could not bring them into compliance. She stated that staff was requesting a finding of non-compliance and have the order recorded in the land book of records as they are trying to sell the property. She requested a compliance date of May 13, 2016 and a hearing to impose fine be set for the May 18, 2016 hearing.

Chair Wild asked why she wasn’t setting this for April and she said that it was because they were asking for additional time as the contractor had a death in the family.

Joe Levrault, chief building official, stated that he had received a call, the day before, from Allison, the sister of the property owner, who stated that the contractor, who had a death in the family, would not be able to get to this for about 2 weeks. So he was requesting a little more time.

Member Rudolph asked if there was still a lot of work to be done and Mr. Levrault said that they needed to get a contractor and the appropriate sub-contractors and then get the permit and after that, there could be about a month’s worth of work. He stated that they said they were having a problem getting a contractor to come in and take this situation on.

Member Rudolph made a motion to go along with staff’s recommendation and Member
Runge seconded it.

After discussion and based on the testimony and evidence presented, Member Rudolph MOVED to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 22-2, Sections 105.1 and 109.3. A compliance date of May 13, 2016, was set. If compliance is not achieved by the specified date, a hearing to impose fine is set for the May 18, 2016 hearing. It was further Ordered that the Order of Non-Compliance be recorded in the land book of records. After Member Runge SECONDED the motion, it CARRIED unanimously by voice vote.

CEB2016011-CRANE, VALERIE A., TR  Served
Complaint No. 20151112013
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: 1003 Camphor Ln, Deland 32720
Parcel No. 701702180080  Zoning: R-3
Zoning Compliance Officer - Ann Allen
Property owner was first notified of the violation on Nov 14, 2015

This case was WITHDRAWN per the zoning enforcement official

CEB2016012-CRANE, VALERIE A., TR  Served
Complaint No. 20151112011
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: 1003 Camphor Ln., Deland 32720
Parcel No. 701702180080  Zoning: R-3
Zoning Compliance Officer - Ann Allen
Property owner was first notified of the violation on Nov 14, 2015

This case was WITHDRAWN per the zoning enforcement official
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: 3951 Tano Dr., Ormond Beach 32174
Parcel No. 313702000590 Zoning: PUD
Building Compliance Officer - Beverly J Abrahamson
Property owner was first notified of the violation on May 07, 2015

This case was **CONTINUED** to the September 21, 2016 hearing per the building compliance official.

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).

(Expired swimming pool permit #19980624031)
Property Location: 3951 Tano Dr., Ormond Beach 32174
Parcel No. 313702000590 Zoning: PUD
Building Compliance Officer - Beverly J Abrahamson
Property owner was first notified of the violation on Feb 22, 2016

The respondent was not present at the hearing.

Beverly Abrahamson, building compliance officer, presented the case. She stated that she had an email from the property agent, Erik Poppolini, that stated that they were requesting a 30 day continuance as they were working on getting it into compliance.

Chair Wild asked if the house was occupied and Ms. Abrahamson said no but it was for sale.

Member Smith asked if the pool met all the safety requirements and Ms. Abrahamson stated that it was secured.

Chair Wild stated that he was concerned about them selling it within the 30 days.

Member Rudolph asked her what the staff recommendation was and Ms. Abrahamson said that she would like an Order of Non-Compliance to be recorded and a hearing to impose fine be scheduled for the next month.

Chair Wild stated that in some circumstances, when someone asks for a continuance, they grant it, but in this case he was concerned on how to protect a future property owner.
Attorney Cino stated that they were getting the 30 days because that is when they would have a hearing to impose fine. They would get the 30 days either way.

Chair Wild stated that he wanted to give him a chance to give his testimony and Member Rudolph said that he could do that at the hearing to impose fine.

Mr. Levrault said that he had been speaking with Mr. Poppolini, and he said that he was working with Ed’s Pools and Spas, the original company that built the pool, on getting the final inspection and bringing it into compliance.

Member Rudolph asked if he should make a motion and Ms. Abrahamson asked if they wanted to hear the case first. Attorney Cino stated that the email that was sent was not contesting the violation.

Chair Wild asked for some testimony for the record.

Ms. Abrahamson stated that this case came to light while researching permits, for a complaint, against this property, for work that was being done without permits and inspection approvals. She stated that she found the expired permit, which included the pool and the screen enclosure. They had gotten inspection approvals for everything but failed to get the final inspection approval. The notice of violation was signed for by the property owner on February 3, 2016 and contact has been made with the property owner, who is in the process of trying to find an architect and/or engineer, who can certify the pool has been constructed to comply. On the last inspection, February 29, 2016, showed that the cited conditions remained unchanged. The pool is secured by the screen enclosure and a fence. Staff is requesting a finding of non-compliance, to be recorded in the land book of records, with a compliance date of April 15, 2016 and a hearing to impose fine be scheduled for the April 20, 2016 hearing.

Member Rudolph made a motion to go along with staff’s recommendation and Member Girtman seconded it.

After discussion and based on the testimony and evidence presented, Member Rudolph moved to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 22-2, Sections 105.1 and 109.3. A compliance date of April 15, 2016, was set. If compliance is not achieved by the specified date, a hearing to impose fine is set for the April 20, 2016 hearing. It was further Ordered that the Order of Non-Compliance be recorded in the land book of records. After Member Girtman seconded the motion, it carried unanimously by voice vote.
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: 2007 Linda Ave., Ormond Beach 32174
Parcel No. 424212000130 Zoning: MH-5

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Sep 28, 2015. The respondent was not present at the hearing.

Beverly Abrahamson, building compliance officer, presented the case. Photos were shown and described to the board. She explained that this began with a complaint, about an addition, in June, 2015. A site inspection confirmed the complaint. A notice of violation was signed for by the property owner on September 28, 2015. There had been no effort on the property owner’s part to make contact until the notice of hearing was posted on the property. Mr. Lloyd called and said that he would work on getting a permit and inspections. She said that he had called the day before and told her that he believed that he had everything he needed to submit an application that day. The last inspection, on March 14, 2016, showed that the cited conditions remained unchanged. Staff is requesting an order of non-compliance with a compliance date of April 15, 2016 and a hearing to impose fine be set for the April 20, 2016 hearing.

Member Girtman made a motion to go along with staff’s recommendation and Member Rudolph seconded it.

After discussion and based on the testimony and evidence presented, Member Girtman MOVED to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 22-2, Sections 105.1 and 109.3. A compliance date of April 15, 2016, was set. If compliance is not achieved by the specified date, a hearing to impose fine is set for the April 20, 2016 hearing. After Member Rudolph SECONDED the motion, it CARRIED unanimously by voice vote.
Complaint No. 20151204005
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: 1807 Woodcrest Dr., Ormond Beach 32174
Parcel No. 422804000900    Zoning: MH-5

Building Compliance Officer - Beverly J Abrahamson
Property owner was first notified of the violation on January 7, 2016

The respondent was not present at the hearing.

Beverly Abrahamson, building compliance officer, presented the case. She showed and explained pictures to the board. She also explained that this case began in November, 2015, with a complaint received regarding an unmaintained mobile home. The first on-site inspection confirmed that conditions. The certified Notice of Violation was sent out but returned and the property was posted on January 7, 2016. There has been no effort, on the owner’s part to contact them. The last site inspection on March 14, 2016 showed the cited conditions remained unchanged. Staff is requesting an order of non-compliance with the order to be recorded in the land book of records and the case will be referred to the CLCA board for an order of condemnation and a hearing to impose fine be scheduled for the September 21, 2016 hearing.

Member Girtman made a motion to go along with staff’s recommendation and Member Needham seconded it.

After discussion and based on the testimony and evidence presented, Member Girtman MOVED to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 58, Article I, Section 58-3. A hearing to impose fine is set for the September 21, 2016 hearing. It was further Ordered that the Order of Non-Compliance be recorded in the land book of records. After Member Needham SECONDED the motion, it CARRIED unanimously by voice vote.
CEB2016017-MOORE, GARY W.  Served
Complaint No. 20150929004
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).
(Addition)
Property Location: 1138 Avenue G, Ormond Beach 32174
Parcel No. 422901160100  Zoning: MH-5
Building Compliance Officer - Beverly J Abrahamson
Property owner was first notified of the violation on Oct 02, 2015

This case was **CONTINUED** to the May 18, 2016 hearing per the building compliance official.

CEB2016019-BECKER, SHERRI L.  Posted
Complaint No. 20140306008
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).
(New metal roof)
Property Location: 1317 Fairway Av, Ormond Beach 32174
Parcel No. 423317021350  Zoning: R-5
Building Compliance Officer - Beverly J Abrahamson
Property owner was first notified of the violation on Mar 26, 2014

The respondent was present at the hearing. She gave her name and address for the record and stated that she was there to give information.

Beverly Abrahamson, building compliance officer, presented the case. She stated that upon inspection, they found a new roof and garage door that were done without permits or inspection approvals. The notice of violation was signed for on March 26, 2014. There were 2 applications for permits submitted in April of 2014 and the permit for the garage door has been finalled, but the application for the reroof was cancelled due to lack of activity. The requests for more information, by the plans examiner was submitted in April, 2014, but was never submitted. A site inspection on March 3, 2016 showed that the cited conditions were unchanged and staff is requesting a finding of non-compliance, with a compliance date of April 15, 2016 and a hearing to impose fine to be set for the April 20, 2016 hearing.

Ms. Becker got up to speak. She said that she apparently messed up somewhere with the roof permit and it got cancelled. She wanted to know if she would be needing architectural drawings and Ms. Abrahamson said that she would send her over to the permitting office to get some information.

Member Rudolph then made a motion to go along with staff’s recommendation and Member Runge seconded it.
After discussion and based on the testimony and evidence presented, Member Rudolph MOVED to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 22-2, Sections 105.1 and 109.3. A compliance date of April 15, 2016, was set. If compliance is not achieved by the specified date, a hearing to impose fine is set for the April 20, 2016 hearing. After Member Runge SECONDED the motion, it CARRIED unanimously by voice vote.

**CEB2016020-AKEY, CAROLINE P.**

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

This case was CONTINUED to the April 20, 2016 hearing per the zoning enforcement official.

**CEB2016021-BLACK, SEAN**

Complaint No. 20160104020
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). (Shed)
Property Location: 2120 Mitchell Ln., Port Orange 32128
Parcel No. 621401040052 Zoning: A-2, RR
Building Compliance Officer - Mark Jones
Property owner was first notified of the violation on Jan 07, 2016

The respondent, Sean Black, and his attorney, Sarah Metz, were present at the hearing. They both gave their names and addresses for the record and stated that they just wanted to give information on this.

Beverly Abrahamson, building compliance officer, presented the case. She stated that this case involves a metal storage building that was constructed without permits or inspection approvals. She said that the violation was confirmed on December 22, 2015. She said that the notice of violation was signed for on January 7, 2016. She said that there were phone conversations with Mr. Black and site inspections on March 1, 2016 revealed that violations still exist and no permit applications have been submitted to date. Staff is requesting a finding of non-compliance with a compliance date of April 15, 2016 and a hearing to impose fine be set for April 20, 2016.
Sarah Metz got up to speak and said that the building was built by the previous owners. She stated that Mr. Black bought the property a year before the violation was found. She also had the seller’s disclosure stating that no buildings on the property were non permitted.

Member Rudolph pointed out that in no way does that relieve Mr. Black of that and Ms. Metz said that she understood and just wanted to give the board some context as to where they are with the issue. She went on to say that 3 months after Mr. Black purchased the property, he obtained a permit, from the county, to get electricity into that building and wants the board to know that Mr. Black is not attempting to shirk his responsibilities and has in fact gone through the process, in the past, for that exact same building. She stated that Mr. Black had spoken to Mark Jones, building compliance officer, but felt that this was something he could not do on his own and then retained an attorney. They have since gotten an application for an after built permit but have not yet gotten an architect or an engineer to do the as built drawings. They also still need to have a survey done and have been in contact with a surveyor. She then asked for additional time to get all this done and doesn’t think that April 15th would give them sufficient time to get everything done. She then asked for 90-120 days.

Joe Levrault, chief building official, got up to speak. He stated that in this situation, they would need 4 things. A site plan, a survey, an affidavit, from an engineer or architect, approving the building, and a permit. No as built drawings are necessary and they can get those from any architect, as it does not have to be from the one who built it.

Member Rudolph wanted to know if there were any life/safety issues and Mr. Jones said no as they had a permit for the electrical work.

Member Rudolph then made a motion for 90 days and Member Runge seconded it.

After discussion and based on the testimony and evidence presented, Member Rudolph MOVED to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 22-2, Sections 105.1 and 109.3. A compliance date of June 10, 2016, was set. If compliance is not achieved by the specified date, a hearing to impose fine is set for the June 15, 2016 hearing. After Member Runge SECONDED the motion, it CARRIED unanimously by voice vote.
CEB2016022-MARTIN, TERRY D. & MARSHA J. Served
Complaint No. 20151022011
Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C) Boat and/or trailer improperly parked
Property Location: 107 N Cory Dr., Edgewater 32141
Parcel No. 841205000060 Zoning: R-3W
Zoning Compliance Officer - Debbie Zechnowitz
Property owner was first notified of the violation on Oct 26, 2015

This case was **WITHDRAWN** per the zoning enforcement official

CEB2016023-OCEAN CLUB AT TURTLEMOUND Served
Complaint No. 20160105007
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). (Balconies removed and replaced without permits)
Property Location: 6612 S. Atlantic Ave., New Smyrna Beach 32169
Parcel No. 850504000001 Zoning: B-8W
Building Compliance Officer - Mark Jones
Property owner was first notified of the violation on Jan 08, 2016

CEB2016024-OCEAN CLUB AT TURTLEMOUND Served
Complaint No. 20160105005
Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s) (Balconies removed and sliding glass doors still operable/safety hazard)
Property Location: 6612 S. Atlantic Ave., New Smyrna Beach 32169
Parcel No. 850504000001 Zoning: B-8W
Building Compliance Officer - Mark Jones
Property owner was first notified of the violation on Jan 08, 2016

The respondent, Becky Carpenter, with Century Management, who represents Ocean Club, was present at the hearing. She was authorized to speak on their behalf. She gave her name and address for the record and said that she just wants to give information.

Beverly Abrahamson, building compliance officer, presented the cases. CEB2016023 and CEB2016024 were heard together. She explained the violations that were observed. She stated that the balconies had been removed and the sliding glass doors had no protection. There was also no history of any permits for this. The notice of violation was signed for on January 8, 2016 and an application for a permit was submitted on February 18, 2016 is in plan review and the sliding glass doors are being secured with plywood. Photos were shown to the board. She said that staff was requesting a finding of non-compliance with a compliance date of April 15, 2016 and a hearing to impose fine be set for the April 20, 2016 hearing.
Becky Carpenter got up to speak and said that they have a contractor but they have been delayed due to the engineer sitting on the plans. She did state that the plywood would be arriving at noon to secure the sliding glass doors.

Ms. Abrahamson explained that the permit was submitted in February and was currently in plan review. Ms. Carpenter seemed to think that it had gotten approved the day before.

Member Rudolph asked if the sliding glass doors were secured yet, as it was a life/safety issue and Ms. Carpenter said that that would be happening that day.

Member Rudolph made a motion on both cases, to go along with staff’s recommendation and Member Runge seconded it.

After discussion and based on the testimony and evidence presented, Member Rudolph moved to issue an order of non-compliance for violating Volusia County Code of Ordinances, Chapter 22-2, Sections 105.1 and 109.3 and Chapter 58, Article I, Section 58-3. A compliance date of April 15, 2016, was set. If compliance is not achieved by the specified date, a hearing to impose fine is set for the April 20, 2016 hearing, for both cases. After Member Runge seconded the motion, it carried unanimously by voice vote.

CEB2016026- CALIMLIN, MICHAEL R. & DEBI C. Served
Complaint No. 20160104010
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). (Accessory structures/additions)
Property Location: 1301 Snapping Turtle Rd., Mims 32754
Parcel No. 031602000190 Zoning: FR
Building Compliance Officer - Mark Jones
Property owner was first notified of the violation on Jan 06, 2016

The respondents, Michael and Debi Calimlin, were present at the hearing. They gave their names and address for the record and stated that they wanted to give information.

Beverly Abrahamson, building compliance officer, presented the case. She explained that they received a complaint in 2010, that a second mobile home was being put on the property. Pictometry showed a second mobile home, a garage, two sheds, a deck, two porches and a gazebo, all without permits and inspection approvals. The notice of violation was signed for on January 6, 2016 and Mrs. Calimlin called on January 7, 2016 and Ms. Abrahamson said that she went over the violations with her. No permit application has been submitted to date and staff is requesting a finding of non-compliance with a compliance date of April 15, 2016 and a hearing to impose fine be set for the April 20, 2016 hearing.
The Calimlins got up to speak. Mrs. Calimlin said that they had no idea about the 2010 complaint, otherwise they would have started on that in 2010. She stated that it was not a mobile home, it was a park model camper that has no electric or sewer hooked up to it and it gets used for storage. She then stated that the ramp between the buildings is used for skateboarding. She then pointed out, on the photo, that they didn’t have a gazebo, it was a swingset.

Ms. Abrahamson explained that the property is gated and they couldn’t get on the property so the only photos they have are from pictometry.

Member Rudolph wanted clarification on the second mobile home and Mrs. Calimlin said that it was a park model camper and they used it for storage. They have 5 children and needed a place to put their stuff. It was not operable as it can’t be hooked up like a 5th wheel. It’s just a park model like the ones they have at Disney. They took the wheels off and had it tied down.

Chair Wild asked if it would be considered an accessory structure and Mike Nelson, building and zoning director, clarified that a park model is classified, by the state of Florida, as an R/V. It is covered under state statute 223, rules 15 (c), (1) and (2). That means that it needs to be set up and permitted just the same as a mobile home. The reason that it is called an R/V is because of its size. It’s not more than 40 ft. long and not more than 10ft. wide. He thinks that he has it right because it is all from memory. He said that it is not a mobile home, but it would still require a building permit but at this point, zoning may require some kind of special exception.

Chair Wild asked if it could be considered an accessory structure for storage and Mr. Nelson said no and that unless it was a tagged R/V, it was not allowed to be parked in the yard. A park model is considered a second residence. They can’t use it as storage and there can’t be a second residence. Even though it is classified as an R/V, it is still a residence and needs to meet the wind load requirements, tie down requirements, flood zone requirements, etc.

Chair Wild asked if it could be tagged like an R/V and Mr. Nelson said no. He was referring to an R/V that could be hauled and have a D.O.T. tag. This park model was meant to be a permanent structure and it’s required to be set up and be habitable. It has a kitchen and is a one bedroom, single wide mobile home, that is called an R/V by the state of Florida.

Mrs. Calimlin said that they never intended this to be a living domicile and wanted to know if they could still use it, if they take out the stuff that it came with.

Chair Wild said that they would need to discuss it with the county.

Mrs. Calimlin said that the 2 sheds were from Lowe’s and they are aluminum and used to
keep goat food in. She said that they should have a sign at Lowe's that states that you need a permit for these. She went on to say that they were willing to fix what has to be done, but they don't have a lot of money. She explained that she was trying to find somebody to come and pull the camper off the property.

Chair Wild said that he thinks that they need to give them some time to be able to try to work with the county and work this out.

Ms. Abrahamson said that a compliance officer would get in touch with them to do a physical inspection of the property and then they would be given a list of the things that need to be done.

Member Rudolph asked if there would be a problem with a compliance officer coming out to the property to help them out and Mrs. Calimlin said that as long as they were home they could set something up and would really appreciate some help.

Chair Wild suggested that they try to get an agricultural exemption and with the livestock, they may qualify.

Mrs. Calimlin explained that when they were building the deck, in 2004, a person from the county came onto the property, saw the deck, told them it looked like they were doing a good job, and left. She said that the next she had heard about it, it was on their tax roll. But nothing else was ever said about it.

Member Needham suggested that 90 days may be more suitable and made a motion to give the Calimlin's 90 days and Member Runge seconded it.

After discussion and based on the testimony and evidence presented, Member Needham moved to issue an Order of Non-Compliance for violating Volusia County Code of Ordinances, Chapter 22-2, Sections 105.1 and 109.3. A compliance date of June 10, 2016, was set. If compliance is not achieved by the specified date, a hearing to impose fine is set for the June 15, 2016 hearing. After Member Runge seconded the motion, it carried unanimously by voice vote.
XI. Requests for Discussion of Accumulated Fines

CEB2015046-HATLEY PARTNERS LLC    Served
Complaint No. 20150212003

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). (Renovations/Pool cover)

Property Location: 1893 E. Spruce Creek Blvd., Port Orange 32128
Parcel No. 62250500210    Zoning: PUD

Code Enforcement Project Manager-Rob Walsh

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

*The Enforcement Official continued this case from the May 20, 2015 hearing:
*Order of Non - Compliance issued at the June 17, 2015 hearing:
*Final Order Imposing Fine Lien issued at the July 15, 2015 hearing:
*A Report and Affidavit of Compliance was submitted with a compliance date of February 10, 2016:

Order of Compliance
Request for Discussion of Fine/Lien $10,450.00

The respondent, Brannon Rue, was present at the hearing. He gave his name and address for the record.

Rob Walsh, code enforcement project manager, presented the case. He stated that Mr. Rue had hired a contractor and believed that the contractor had pulled all of the necessary permits, but he had not. All of the permits had been pulled except for a front entry door and an in ground pool enclosure. There has since been a permit pulled and everything has been complied with. Staff is recommending that the fine be reduced to $300.00 for administrative fees and hard costs.

Member Rudolph made a motion to go along with staff’s recommendation and Member Runge seconded it.

After discussion and based on the testimony and other evidence presented, Member Rudolph MOVED to reduce the fine to the amount of $300.00, to be paid within 30 days of the hearing. Member Runge 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  Rob Walsh, code enforcement project manager, showed an inter-office memo addressing the capping of the fines. He stated that there are some fines that far exceed the value of the property. He was requesting that the board approve a policy statement, that states that a cap be set for the just value of a property. He suggested 10% of the value of the property, according to the property appraiser. He stated that the board does have the final say, however, in determining what the cap should be. He stated that this would not be retroactive, as they can’t do anything about the fines that have already been imposed. Member Rudolph made a motion to go along with staff’s recommendation and Member Needham seconded it. The motion carried unanimously by voice vote.

*     *     *     *     *

ADJOURNMENT

There being no further business to discuss before the Board, the meeting adjourned at a.m.

Respectfully submitted,

____________________________
Margaret C Godfrey
Code Enforcement Board Clerk
CERTIFICATE

STATE OF FLORIDA:
COUNTY OF VOLUSIA:

I, Margaret C Godfrey, 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____________, 2015, in the City of DeLand, County of Volusia, State of Florida.

______________________________
Margaret C Godfrey
Code Enforcement Board Clerk