



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

March 20, 2019

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
Harry Wild Jr., Vice-Chair
Vikki Leonard
Donald Needham
Charles Cino, Board Attorney
Pete Zahn**

MEMBERS ABSENT

STAFF PRESENT

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

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APPROVAL OF MINUTES

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The February 20, 2019 minutes were not complete, therefore there were no minutes to approve.

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March 20, 2019

UNFINISHED BUSINESS

CEB2017323-NEHME SABLE & JAKE

Posted

Complaint No. 20170426075

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). (Room addition, shed and carport)

Property Location: 1232 Kilgore St, Daytona Beach 32117

Parcel No. 520200000100

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on

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

*Final Order Imposing Fine Lien issued at the November 21, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of February 1, 2019:

Order of Compliance

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

CEB2016132-OUELLET MICHAEL & STEVEN

Served

Complaint No. 20160418040

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). (Single Family Residence)

Property Location: 468 Old Bubbly Rd, Pierson 32180

Parcel No. 483202000650

Zoning: RC

Code Compliance Officer – Christopher Hooper

Property owner was first notified of the violation on Apr 22, 2016

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

*1st Amended Order of Non-Compliance issued at the November 16, 2016 hearing:

*2nd Amended Order of Non-Compliance issued at the December 21, 2016 hearing:

*3rd Amended Order of Non-Compliance issued at the February 15, 2017 hearing:

*4th Amended Order of Non-Compliance issued at the April 19, 2017 hearing:

*5th Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

*6th Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

*7th Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

*8th Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

*9th Amended Order of Non-Compliance issued at the October 17, 2018 hearing:

*Final Order Imposing Fine Lien issued at the November 21, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of February 22, 2019:

Order of Compliance

March 20, 2019

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

CEB2018163- CHIOFALO JACOB D & SHANNON N

Served

Complaint No. 20171107016

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). (Rafters and upper deck repair/replacement)

Property Location: 3928 Oriole Av, Port Orange 32127

Parcel No. 631203001885

Zoning: R-9(S)

Code Compliance Coordinator – Margaret Godfrey

Property owner was first notified of the violation on Nov 09, 2017

*Order of Non-Compliance issued at the May 16, 2018 hearing:

*1st Amended Order of Non-Compliance issued at the July 18, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the December 19, 2018 hearing:

*Final Order Imposing Fine Lien issued at the February 20, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of February 27, 2019:

Order of Compliance

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

CEB2018337-STOREY MARY FARR TR

Served

Complaint No. 20170620060

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). (Rear porch, new footings, new stairs, and stucco)

Property Location: 4713 Van Kleeck Dr, New Smyrna Beach 32169

Parcel No. 743504020070

Zoning: R-4W

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 24, 2017

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

*Final Order Imposing Fine Lien issued at the October 17, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of February 28, 2019:

Order of Compliance

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

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CEB2018464-30 RAYMONDE CIRCLE LLC

Served

Complaint No. 20181029059

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). (RAS permit #20150407027, RES permit #20150407026, and FENC permit #20170424060

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 November 2, 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:

*A Report and Affidavit of Compliance was submitted with a compliance date of February 18, 2019:

Order of Compliance

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

CEB2018280- HUFF GEORGE F O

Served

Complaint No. 20180314064

CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II
DIVISION 8,

SECTION 72-287 Recreational vehicle improperly parked

Property Location: 327 Endora St., Ormond Beach, 32174

Parcel No. 4124-04-00-0290

Zoning: MH-4A

Code Compliance Coordinator – Margaret Godfrey

Property owner was first notified of the violation on April 12, 2018

*A Report and Affidavit of Compliance was submitted with a compliance date of March 12, 2019

Order of Compliance

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

CEB2017211-TAYLOR FRED J & MARTHA P

Posted

Complaint No. 20170508047

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: 1098 George Anderson St, Ormond Beach 32174

Parcel No. 423805100160

Zoning: R-3

March 20, 2019

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on May 11, 2017

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

*1st Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the September 19, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said that she is asking for an amended order, as his permit is valid until August 21st. Staff recommends a hearing to impose fine for September 15, 2019.

Based on the evidence and testimony provided, Member Wild MOVED **to issue an Third Amended Order of Non-Compliance with Hearing to Impose Fine/Lien to be scheduled for the September 15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018019-2001 OLD NEW YORK LLC

Posted

Complaint No. 20170810007

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: 2001 Old New York Av, Deland 32720

Parcel No. 791301000040

Zoning: A-3

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Aug 25, 2017

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

*1st Amended Order of Non-Compliance issued at the June 20, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the September 5, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the December 19, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. Michael showed the board his pictures and he explained them. He showed the board the amount of cars that had been removed from the property. He said as of Monday, there's only about 30 cars. Michael said that Mr. Guess told him that about 65 cars have been removed. Staff recommends a fine in the amount of \$50.00 per day, per case, to commence on April 18, 2019; not to exceed \$14,200.00.

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Greg Guess, property owner, gave his name and address for the record. He said that he's doing what he can. He said that there's about 15 or 16 in the front and the rest of them are in the back. He said the ones in the back, are behind a fence. Mr. Guess said he's informed that they've got to go too. He said that his Bobcat broke again, so he's a one-man show. He said that he's not sure, if he can get rid of the remaining 30 cars in a month. He said he will do the best that he can.

The Chairman asked how long, Mr. Guess had been collecting the cars.

Mr. Guess said 32 years.

Mr. Guess, Michael and the Chairman discussed a timeline. Michael said that he hasn't received any complaints on the property.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Fourth Amended Order of Non-Compliance with a compliance date of June 13, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the June 19, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Article II Section 118.34.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018035-2001 OLD NEW YORK LLC

Served

Complaint No. 20180124008

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

Property Location: 2001 Old New York Av, Deland 32720

Parcel No. 791301000040

Zoning: A-3

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Feb 02, 2018

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

*1st Amended Order of Non-Compliance issued at the June 20, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the September 5, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the December 19, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Fourth Amended Order of Non-Compliance with a compliance date of June 13, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the June 19, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7** March 20, 2019

Section 72-241. After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018174-POTTER JANICE Q & BRIAN C

Served

Complaint No. 20171117018

Violation of FLORIDA BUILDING CODE SECTIONS 105.1 AND 109.3. ALL CONSTRUCTION REQUIRES BUILDING PERMIT (S) AND INSPECTION APPROVAL(S). The aforementioned violation would require a building permit and/or inspection approvals

Property Location: 679 Yale Rd, Deland 32724

Parcel No. 702801240170

Zoning: R-3

Code Compliance Officer - Michael Mazzola

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

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

*1st Amended Order of Non-Compliance issued at the July 18, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the September 5, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the November 21, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. Michael showed the board a picture of the gazebo. He said that they are still in plan review and he hasn't had a final inspection yet, on the gazebo.

Brian Potter gave his name and address for the record. He said we are up to the point, where we have done everything up to the variance. He said the cost of the variance has really set us back. He said they've had an ongoing fence permit that they've had to delay, because they can't afford that. He said that the paperwork is filled out, but he has a couple other things that he has to do, before he can submit it. Mr. Potter said that his intention was to speak with staff, after the hearing to find out what else needs to be done. He explained that the gazebo is 16 inches taller than it should be and that's why he needs the variance.

Member Leonard asked if there was a permit yet.

Michael said no, it's still in plans review.

Mr. Nelson said the permit application will be in limbo, until the zoning issue is solved.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Fourth Amended Order of Non-Compliance with a compliance date of May 12, 2019, and a Hearing to Impose Fine/Lien to be scheduled for the May 15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and**

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

CEB2018181-OCEAN SHORE HOLDINGS INC

Served

Complaint No. 20170516044

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). (Renovations/remodel)

Property Location: 1294 Ocean Shore Blvd, Ormond Beach 32176

Parcel No. 420313001390

Zoning: B-4

Code Compliance Coordinator – Margaret Godfrey

Property owner was first notified of the violation on May 24, 2017

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said the original permit has been re-opened. She said there are a lot of requests for additional information. She said that the last permit application expired, because those requests for additional information were never met then. Margaret said there is 5 requests for additional information and none has been provided, so far. Staff is recommending a fine in the amount of \$100.00 per day, to commence on April 18, 2019; not to exceed \$36,000.00.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , not to exceed \$36,000.00 to begin on April 18, 2019.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018292-MOORE THOMAS & GAEA

Served

Complaint No. 20170221037

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

Property Location: 6 Waterberry Cir, Ormond Beach 32174

Parcel No. 412502000510

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the December 19, 2018 hearing:

Hearing to Impose Fine/Lien

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The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. The site and conditions remain unchanged. There have been no permit applications to date; staff recommends a fine in the amount of \$100.00 per day, to commence on April 18, 2019; not to exceed \$27,000.00.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , not to exceed \$27,000.00 to begin on April 18, 2019.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018297-SPENCER ROBIN & CHARLES L FUTCH

Posted

Complaint No. 20160613014

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

Property Location: 2048 Toni St, Ormond Beach 32174

Parcel No. 412402000320

Zoning: MH-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 20, 2016

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

*1st Amended Order of Non-Compliance issued at the November 21, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said the last time she visited the property, it was still up. Margaret said Ms. Spencer is here with pictures though, which show her taking it down. She said that she was going to recommend an Order Imposing Fine/Lien.

The Chairman asked that Ms. Spencer, to show her pictures.

After seeing the pictures, Margaret said, staff is recommending an amended order for 60 more days; to the May hearing. Margaret said that Ms. Spencer said she was going to take it down.

Margaret asked Ms. Spencer, if she had just started taking it down.

Ms. Spencer said yes.

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Margaret said it's about half gone.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the May 15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018310-YOKELL CAROLE & MAX J

Served

Complaint No. 20180529031

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

Property Location: 19 Silk Oaks Dr, Ormond Beach 32176

Parcel No. 322707000130

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 07, 2018

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. There have been no permit applications to date. Margaret said and it looks like she is doing work without a permit. She showed the board pictures of the work. She said the complainants are here and they're the ones that e-mailed the pictures.

The Chairman asked if the pictures were taken from the property line.

Margaret said yes. Staff is recommending a fine in the amount of \$100.00 per day, to commence on April 18, 2019; not to exceed \$22,000.00. Margaret said she's had no contact with the property owner and now there's repair work being done without permits.

Member Wild asked if there was any difference between a repair and new work.

Margaret said it looks like she's putting something new in there. She said there is framing and it looks like she's taken down some of the cinder blocks.

Mr. Nelson said at this point, it's not holding a structure; it's not a retaining wall to hold a structure. He said it looks like it's close to the height; if it's not over 2ft, it does not require a permit.

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The Chairman asked if it required a fence permit.

Member Leonard asked if they needed a permit to replace what they took out, to fix the issue.

Mr. Nelson said if it's under 2ft, we do not.

Scott Wheeler gave his name and address for the record. He said that he provided the pictures to the board.

The Chairman asked Mr. Wheeler, if his property is in the foreground of the picture.

Mr. Wheeler said yes. He said it looks like they just started on it, a couple of weeks ago. He said they did this much, and no one has come back since then. He said that is just one end of the wall, he said the other end needs to be replaced. He indicated that the large crack in the wall was bothering him, because she has a tree on the other side of the wall; almost right up against it. He said it between the wall and the root system, the wall was leaning at about 35 degrees. Mr. Wheeler said it looks like someone has pushed it back up again, but in the process of doing that, the crack has gotten larger. He expressed his concerns about a tree coming through the wall over time.

The Chairman asked if the wall needed a permit.

Mr. Nelson said that it did.

Mr. Wheeler asked if the property owner, was supposed to have started repairing the wall on this date or if it was to be completed.

The Chairman said that she had until this day, to come into compliance. He said we are considering beginning a fine.

Mr. Wheeler explained that his pictures are the status of the wall, at this time.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , not to exceed \$10,000.00 to begin on April 18, 2019.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018399-FOSTER BETTY T

Served

Complaint No. 20180226019

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). (Window change out)

Property Location: 62 Rivocean Dr, Ormond Beach 32176

Parcel No. 324104000380

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. A permit was issued, but it expired without any inspection approvals. Staff is recommending a fine in the amount of \$100.00 per day, to commence on April 18, 2019; not to exceed \$24,000.00.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , not to exceed \$24,000.00 to begin on April 18, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018455-SANCHEZ GAUDENCIO

Posted

Complaint No. 20180830052

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). Fence constructed and/or altered without proper permit and/or inspection approvals. Building constructed and/or altered without proper permit and/or inspection approvals

Property Location: 2514 Old New York Av, Deland 32720

Parcel No. 791304000080

Zoning: I-1

Code Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on September 25, 2018

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

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Christopher Hooper, Code Compliance Officer, presented the case. Christopher said that no permits have been applied for, since the last time this case was before you. He said however, the owner did come in yesterday and said he's trying to separate the property into two parcels. Mr. Sanchez showed a receipt and said that he had to pay some property taxes. Christopher said from what I understand, he needed to separate them, to begin the permitting process. Staff recommends that a fine begin, next month.

The Chairman asked Christopher to explain his pictures.

Christopher explained that the issue, was with how the property was being used.

Javier Hernandez gave his name and address for the record. He explained that he was there to interpret for his uncle.

The Chairman said that Christopher said that Mr. Sanchez is trying to split the property.

Mr. Hernandez said yes.

The Chairman said you still have to cure the use not allowed and the permit for the fence.

Mr. Hernandez said everything is because of that; he's trying to get everything in his name so he can get all the permits, so he can have events there. He said Mr. Sanchez has been here several times, trying to take care of that.

Russ Brown, Assistant County Attorney, asked Mr. Hernandez, if he was acting as his uncle's representative or interpreter.

Mr. Hernandez said interpreter.

Mr. Hernandez was sworn in, as Mr. Sanchez's interpreter.

The Chairman asked Mr. Sanchez, what kind of timeline he needed to solve the tax issue, change the property names, get the fence permitted and stop doing the events that are not permitted.

Via the translator, Mr. Sanchez said it's hard to tell, because first the situation with the taxes must be situated and then apply for the permits. He asked what the board recommends, because he has no idea how long the process will be for each one.

Member Wild asked how long Mr. Sanchez thought it would take, to clear up the taxes.

Mr. Hernandez said that Mr. Sanchez is waiting. He said they have a letter and they offered to show it to the board.

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Member Needham asked, the use of the building that is non-compliant, is that still going on?

Mr. Hernandez interpreted to Mr. Sanchez, in Spanish.

Via the translator, Mr. Sanchez said not events like in the pictures.

Member Needham said he certainly has the ability to stop the events right now. He said I would be happy with a statement, saying that he is going to cease having those events immediately; until he has compliance.

Mr. Hernandez interpreted to Mr. Sanchez, in Spanish.

Via the translator, Mr. Sanchez said he's willing to testify to that; to cease the events. He said so long as he is told, how much time he has, to take care of all this. He said basically a timeline for compliance.

Member Needham expressed his concerns about the non-compliant, events being held on the property.

Mr. Hernandez said, so he can't do any events, at all.

Member Leonard said no.

Member Needham said they're not allowed.

Via the translator, Mr. Sanchez said the events will cease.

Member Needham said immediately.

Mr. Hernandez said yes.

Member Leonard asked where they're going to split the property.

The board looked at the aerial of the property.

Via the translator, Mr. Sanchez said you see the top fence that runs across, behind those buildings. He has to join those two, in order to get permits. Mr. Sanchez bought the front, facing the road and he has to link them, so he can get permits for the back.

The Chairman said you're joining properties; not splitting.

March 20, 2019

Member Leonard said so, it's two properties you're trying to make into one.

Mr. Hernandez said yes, that's the only way he'll get permits.

Member Needham asked if there are two different zoning's on those properties.

Via the translator, Mr. Sanchez said it should all be the same zone.

The Chairman said combining is easy, splitting is more difficult.

Mr. Hernandez said nothing is in Mr. Sanchez's name yet; all the warranty deeds.

Member Wild said the letter seems to indicate, that the property appraiser is in the process, of combining them.

Mr. Nelson said they're getting a parcel number assigned to it, apparently so they can go through the combination process, is what I'm getting out of this. He said we're seeing this for the first time too and I'm getting a copy of it.

Member Needham said, based on what you see in the letter, does it look like their proceeding?

Mr. Nelson said it looks like they're combining them, so they can go through the process. He said it must be non-conforming; the size.

The Chairman said so regardless of the parcels, it was found in non-compliance for the events; those have to cease, or there will be fines if we find evidence of them. He asked Mr. Hernandez to share that with his uncle.

Mr. Hernandez said his uncle is anxious to get this taken care of, so he can move forward.

Member Needham reminded Mr. Sanchez that under oath, he has agreed that from this day forward, there will be no use of that building in a non-compliant way; until such time that it is authorized, if ever.

Mr. Hernandez interpreted to Mr. Sanchez, in Spanish.

Member Wild asked if there were any events scheduled.

Via the translator, Mr. Hernandez said there are four.

Member Wild asked for the earliest and latest dates of the events.

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Mr. Hernandez interpreted to Mr. Sanchez, in Spanish.

Via the Translator, Mr. Sanchez said there's two in March and two in April. He said the 30th, is the closest one.

Member Leonard asked if they were scheduled prior, to our last hearing or after.

Mr. Hernandez said they were already scheduled. He said people usually do it, well before.

The Chairman after reading the letter said, there's a split and a join of the parcels.

Mr. Nelson said I think you're right. He said he knows they're trying to work through this, but there may be more to it.

Member Leonard said she just wants to make the statement that if we allow them to hold events, there could be life/safety issues.

Member Zahn said we can't allow them to do something, which doesn't meet zoning requirements anyway. He stated the cases that are before them. He said the time it will take to clear up the land-use issues is beyond their control, as far as the time in concerned

The Chairman explained that it would take a while to clear up the first violation, whereas the second violation is under the control of Mr. Sanchez.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a compliance date of May 12, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the May 15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

March 20, 2019

CEB2019049-SANCHEZ GAUDENCIO

Hand-Delivered

Complaint No. 20190208007

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Use where not permitted. (Events being hosted on the premises.

Property Location: 2514 Old New York Av, Deland 32720

Parcel No. 791304000080

Zoning: I-1

Code Compliance Officer - Christopher R. Hooper

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Christopher Hooper, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$150.00 per day , not to exceed \$5,000.00 to begin on April 18, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018507-US ALTERNATIVE LAB RESOURCES

Posted

Complaint No. 20181204016

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. (Pergola

Property Location: 121 Sand Dunes Dr, Ormond Beach 32176

Parcel No. 322118000030

Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on December 17, 2018

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. Ms. Palermino has had contact with zoning, to start working on the progress. He said from talking to her, she seems to be looking for setback information; to see where she needs to be and it looks like she's going to try for a variance, at this point. There has been no change on the property. The last inspection was on March 4, 2019.

Member Wild asked if the variance was in regard to the setback.

March 20, 2019

Robert said yes sir.

Charles Cino, Board Attorney, asked if 30 days would be enough time, to get a variance.

Member Zahn explained the steps in the variance process. He said it would be at least 60 days until you get a PLDRC hearing date. He said the process, will take a while.

Katerina Palermino gave her name and address for the record. She said she had a survey done and it showed that it was 8ft encroaching, into the county. She said it was counting the top part of the overhang on the pergola. She said that she cut off the front, as much as she can. Ms. Palermino said its now 5ft. She said she spoke with the surveyor and she is trying to hire a builder. The builder told her she just needs to move the posts. She said if she moved the posts, she wouldn't have a pergola because there's not much room. She said she was told to get a variance. She said there is a meeting scheduled for Friday at 3pm.

The Chairman asked if the poles, are aligned with the face of the garage and porch.

Ms. Palermino said it sticks out a foot, maybe a foot and a half.

The Chairman said it sounds like the porch and the garage, might be in the front yard setback.

Ms. Palermino said she was surprised when she was told 8ft, because there's really not much past the garage.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a compliance date of May 12, 2019, and a Hearing to Impose Fine/Lien to be scheduled for the May 15, 2019 hearing for Violating 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.

March 20, 2019

CEB2018508-US ALTERNATIVE LAB RESOURCES

Posted

Complaint No. 20181019058

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). (Pergola)

Property Location: 121 Sand Dunes Dr, Ormond Beach 32176

Parcel No. 322118000030

Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on December 17, 2018

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **Moved to issue an First Amended Order of Non-Compliance with a compliance date of May 12, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the May 15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019004-HENDRIX WILLIAM L JR

Sheriff-Served

Complaint No. 20190104008

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(C) Accessory structure and/or use without a principal structure

Property Location: 1210 Night Owl Ct, Deleon Springs 32130

Parcel No. 600500000406

Zoning: A-1

Code Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on January 7, 2019

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

March 20, 2019

Christopher Hooper, Code Compliance Officer, presented the case. He said that there are already fines for junkyard and abandoned vehicles, running on this property already. Christopher said that he has only had contact with Mr. Hendrix once. He said after the last hearing Mr. Hendrix left a voicemail, stating that he didn't have transportation to the hearing and he wanted to know why, staff didn't pick him up. Christopher said he tried calling him back, but the number was not in service. The site and conditions remain unchanged. Staff recommends a fine in the amount of \$100.00 per day, not to exceed \$20,000.00; to commence on April 18, 2019.

Member Wild asked Christopher to point out the accessory structure, in the pictures.

Christopher said it was the RV and a little green storage shed. He said we get a lot of complaints on this property; probably every week.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , not to exceed \$20,000.00 to begin on April 18, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

Christopher explained the amounts of the other fines on the property.

Member Zahn asked if the property is homesteaded.

Christopher said it is not.

CEB2019021-CRAMER LYNETTE

Posted

Complaint No. 20190118031

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: 1335 Fleming Av, Ormond Beach 32174

Parcel No. 422800000030

Zoning: MH-1

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on January 18, 2019

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

March 20, 2019

Robert Chayer, Code Compliance Officer, presented the case. Robert showed the board his pictures. He said that he's had no contact with Ms. Cramer, whatsoever. He said that Animal Control told him that Ms. Cramer's son, is trying to find a new place to live for her. He said to his understanding, Ms. Cramer is a little resistant to that. Robert said that Holiday Village owns the property, but Ms. Cramer owns the trailer. He said she hasn't paid her rent in three months now and Holiday Village is looking at eviction, at this point. Staff is recommending a first amended order of non-compliance, with a hearing to impose fine scheduled for May 15, 2019. He said that they wanted to give Holiday Village time to go through their process, and see where it lands.

Member Leonard asked if there was a 10 day notice to vacate, for life/safety.

Robert said he spoke with Kerry Leuzinger, Chief Building Official, who said that he inspected the property; Mr. Leuzinger said that he didn't believe there were any life/safety issues, at this time. Robert said there are holes in the floor, but nothing that couldn't be repaired.

Member Zahn asked when she's leasing, but owns the unit, when we place a lien on it; it doesn't go to her, does it?

Mr. Brown said under the mobile home act, it's the offender that causes the enforcement issue. So, it would be a mechanics lien against the mobile home basically, instead of a real property lien under code enforcement.

Member Leonard said and what'll probably happen with the eviction process, is that the mobile home park will get the property, in the eviction; Ms. Cramer will have to leave, and the unit will be torn down.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the May 15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

March 20, 2019

CEB2019024-LARA HORACIO

Served

Complaint No. 20190118074

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Contractor storage yard where not permitted. (Bringing in concrete, storing it, and sending it back out

Property Location: 3240 Cadehill Dr, Deltona 32738

Parcel No. 810100000530

Zoning: A-2

Code Compliance Officer – Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Edgar Burgos, Volusia County Sheriff's Office, served as a translator for Mr. Lara. Mr. Burgos was sworn in as a translator.

Michael Mazzola, Code Compliance Officer, presented the case. Michael said this was a storage yard that was not permitted. Michael showed the board his pictures. He explained that he inspected the property on Monday.

Russ Brown, Assistant County Attorney, asked Mr. Burgos if Michael needed to give him time to translate to Mr. Lara.

Mr. Burgos said yes.

Mr. Brown told Michael to say one or two sentences, and give Mr. Burgos time to translate to Mr. Lara.

Mr. Burgos translated to Mr. Lara, in Spanish, on the microphone.

Via the translation, Mr. Lara said the pictures that were shown, were from a previous visitation and the property looks different now.

Michael said yes.

Mr. Brown asked Mr. Burgos, to explain to Mr. Lara that the county is just giving an update. He explained that Mr. Lara will have an opportunity to talk.

Mr. Burgos explained this to Mr. Lara, in Spanish.

Via the translator, Mr. Lara said that he understood.

March 20, 2019

Michael showed the board the differences on the property, using his pictures.

Mr. Burgos explained this to Mr. Lara, in Spanish.

Via the translator Mr. Lara said, that he was told not to touch anything; to leave it the way it is, until today.

Mr. Brown said, I think what Mr. Mazzola is saying is, that was the action that was ordered by the board last time.

Michael said correct.

Mr. Burgos asked if the board ordered Mr. Lara, to clean the place up.

Michael said no.

Mr. Burgos explained this to Mr. Lara, in Spanish.

Via the translator Mr. Lara said, that Michael told him not to touch anything; to leave it the way it was and that's what he did.

Michael said that is correct.

Via the translator Mr. Lara said, if they give him the permission he will clean it up.

Michael said on his last inspection, he saw eight piles of dirt. He showed the board pictures of this.

Mr. Burgos asked if it was still on the property.

Michael said yes.

Via the translator, Mr. Lara acknowledged that the materials are still there, but he is just following the orders that he was given.

Charles Cino, Board Attorney, asked Michael if Mr. Lara is in compliance now.

Michael said yes.

Mr. Cino said so, you're just asking for an order of compliance. He said we don't need to go through the whole case; he's in compliance.

March 20, 2019

Michael said staff is recommending that the case be dismissed, as the property is now in compliance.

Mr. Burgos explained this to Mr. Lara, in Spanish.

Mr. Brown said we're asking that the case be dismissed, not the property; as Mr. Lara is in compliance at this time.

Based on the evidence and testimony provided, Member Wild MOVED **to issue an Order of Compliance and dismiss, since the property is in compliance.** After Member Zahn **SECONDED** the motion, it **CARRIED** by four to one voice vote.

Mr. Burgos explained the motion to Mr. Lara, in Spanish.

Via the translator, Mr. Lara asked Michael if he could clean up the property.

Michael told Mr. Lara, to keep the stuff on the property; that's it, don't remove it.

Mr. Burgos explained this to Mr. Lara, in Spanish.

Mike Nelson, Building and Code Administration Director, said that we have a determination from the Zoning Enforcement Official; it says that you cannot put fill onto the property, until there's a building permit. He said since you did not have this determination before, you can clean up the property. Mr. Nelson said you can spread it out, but you can't bring more on, until there's a building permit.

Mr. Burgos explained this to Mr. Lara, in Spanish.

Mr. Burgos said that Mr. Lara understands.

Mr. Nelson said that they'd be glad to give Mr. Lara, a copy of the determination.

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X. Hearings and Presentation of Filed Notices of Violations

CEB2018514- APICELLA CHRIS M & LINDA

Served

Complaint No. 20180807089

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

Property Location: 305 Coquina Av, Ormond Beach, 32174

Parcel No. 423803090100

Zoning: R-4A

Code Compliance Coordinator – Margaret Godfrey

Property owner was first notified of the violation on September 12, 2018

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. In August of 2018, staff received a complaint about some violations on the property. While researching the property, staff found an expired electrical permit; it expired July 21, 2018, with only one inspection. The inspection failed. She said she spoke with Mr. Apicella, who said he pulled all the electrical installation out. He did not have a permit and Margaret explained that he had to have a permit, to determine that the electric is safe.

Margaret said she posted the property with the notice of violation and the notice of hearing, was received and signed for. She said this is the only contact she's had with the property owner since. Staff recommends a finding of non-compliance, with a compliance date of April 3, 2019 and a hearing to impose fine scheduled for April 17, 2019. Staff also recommends that an affidavit from a Florida certified electrical contractor, stating that the electrical service is in safe-working order be submitted to the Chief Building Official, within 10 days of this hearing. Margaret said that she had a letter for Mr. Apicella, regarding the affidavit. She gave the letter to Mr. Apicella.

The Chairman asked Mr. Apicella, if the box was still there.

Mr. Apicella said it is not. He said that he has pictures and asked if he could show them to the board.

Mr. Nelson said there was an issued permit; he said the work exceeded, or didn't match the issued permit. He said the homeowner decided to take the work out. Mr. Nelson said that's fine, all we needed to do was do an inspection, to make sure it's safe. He said apparently we couldn't make contact, to arrange an inspection.

Mr. Apicella said he's be glad, for an inspector to go out and make sure everything is safe.

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Mr. Nelson said they did not have access to the site. He said if we do have access, let's get a building inspector out there, before the next meeting.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018237-HOYLE JOSEPH ALLEN

Posted

Complaint No. 20180123010

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: 325 Niagara Av, Orange City 32763

Parcel No. 801001160020

Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jan 31, 2018

The respondent was present for the hearing. Joseph Hoyle gave his name and address for the record.

Michael Mazzola, Code Compliance Officer, presented the case. He showed the board pictures of the property. There was fire damage to the property. Michael said the notice of violation was received on January 31, 2018. As of January, Mr. Hoyle is still in plans review and it expires in August. On February 6, 2019, Michael posted the notice of hearing, on the property. Staff recommends a finding of non-compliance, with a compliance date of April 12, 2019 and a hearing to impose fine scheduled for April 17, 2019.

The Chairman said let the record show that Member Needham, had to leave for another appointment.

Mr. Hoyle said his house caught fire and he's been trying to get a permit. He said he's been having a hard time with engineers. He explained that he had to fire one and hire another. He said he was told that he would get the plans in 6 weeks, but it took 5 months. He said that he has a permit, as of yesterday and that he is going to work on getting the roof put on.

Member Zahn asked if we extend the time because there is a permit issued.

March 20, 2019

Mr. Nelson said when they had the pre-meeting, they weren't aware, there was a permit. Mr. Nelson asked when the permit was issued.

Mr. Apicella said yesterday.

Margaret said the permit is valid until September.

Staff and the board decided to withdraw the case.

THIS CASE WAS WITHDRAWN

CEB2019034-HOYLE JOSEPH ALLEN

Posted

Complaint No. 20190205023

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

Property Location: 325 Niagara Av, Orange City 32763

Parcel No. 801001160020

Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

The respondent was present for the hearing. Joseph Hoyle gave his name and address for the record.

Michael Mazzola, Code Compliance Officer, presented the case. Michael showed the board the pictures of the junkyard. He showed the board, a picture of the cars that are repaired on the property. On January 31, 2019, Michael conducted an inspection and found abandoned vehicles and junk on the property. On February 8, 2019, Michael posted the notice of violation and the notice of hearing. Staff is recommending a finding of non-compliance, with a compliance date of April 12, 2019 and a hearing to impose fine scheduled for the April 17, 2019 hearing.

Member Wild asked for some testimony about the inoperative vehicles.

Michael showed the board, pictures of the inoperative vehicles.

Michael asked Mr. Hoyle if one of the cars in the pictures, was being repaired.

Mr. Hoyle said one was for sale and the other belongs to his brother. He specified that one is a big, four-wheel drive and that it's operative.

Michael asked if it was tagged.

March 20, 2019

Mr. Hoyle said yes. Mr. Hoyle explained his intentions for each car. He said that his brother's car, would be gone by the end of the week.

Member Wild said the car that's for sale, isn't tagged or registered.

Mr. Hoyle said correct.

The board discussed the removal of the junk with Mr. Hoyle.

Mr. Hoyle said now that he has a permit, it will be easier to remove.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a compliance date of June 15, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the June 19, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019035- HOYLE JOSEPH ALLEN

Posted

Complaint No. 20190205025

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: 325 Niagara Av, Orange City 32763

Parcel No. 801001160020 Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a compliance date of June 15, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the June 19, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

March 20, 2019

CEB2018298-TM CLEAN INVESTMENTS LLC

Served

Complaint No. 20180412041

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

Property Location: 3663 Old Deland Rd, Daytona Beach 32124

Parcel No. 620601400231

Zoning: I-1(5)A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 08, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Staff received a complaint about building without permits or inspection approvals, back in June of 2018. Frank Godawa, Building Inspector, went out there in April and observed that the house had been gutted; he posted a stop work order. Margaret said when she went to the property, she observed that there were piles of tires and junk on the property.

Staff received a call from Matt McClean, the nephew of the property owner, who stated that all he did was remove drywall. Margaret said she asked him what his plans for the house were and he said he was going to be removing walls. He was referred to the permit center. The certified notice of violation was received on June 8th. On June 11th and architect came in and requested more information on the property. Margaret explained that the property would have to be secured, first and foremost. On June 11, 2019, staff received another call from Matt McClean; he was advised that the property needed to be secured.

A permit was applied for and a request for additional information was made. Margaret read the request for additional information into the record. She commented that the residence had been abandoned for a long time. There has been no response to that request and the permit application has expired. Staff is recommending a finding of non-compliance, with a compliance date of April 3, 2019 and a hearing to impose fine scheduled for April 17, 2019.

Margaret specified that she had been dealing with TM Clean Investments LLC, not the previous owner, as the previous owner was listed on the agenda.

Margaret said that she had been dealing with TM Clean Investments LLC and that, they had received proper notice.

Member Leonard asked if the property was still wide-open.

Margaret said they closed the doors, but you could open the door; she said windows are broken.

March 20, 2019

Based on the evidence and testimony provided, Member Zahn MOVED to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3. After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018300- TM CLEAN INVESTMENTS LLC

Served

Complaint No. 20180604020

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

Property Location: 3663 Old Deland Rd, Daytona Beach 32124

Parcel No. 620601400231

Zoning: I-1(5)A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 08, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Based on the evidence and testimony provided, Member Zahn MOVED to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241. After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018495-JAMES CLIFFORD F & BARBARA J

Posted

Complaint No. 20180806018

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b) Fence erected, moved, or altered without a permit

Property Location: 652 Cordova Av, Ormond Beach 32174

Parcel No. 424220320110

Zoning: R-5

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on September 17, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Last July staff received a complaint about a fence being erected without a permit; an onsite inspection, showed just posts in the ground. Margaret inspected the property again on August 3rd;

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there was a fence at that time. She posted a stop work order. The property was posted with both the notice of violation and the notice of hearing. She said she spoke to Mr. Clifford, who says that his daughter lives there. Mr. Clifford keeps saying that he will come down and get a permit for the fence, but he has not. Margaret said Mr. Clifford did leave her a voicemail, but she has not had time to return his call. There have no permit applications to date and the site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of April 3, 2019 and a hearing to impose fine scheduled for April 17, 2019.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 9 Section 72-341(b).** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018515-VIERA EDUARDO

Served

Complaint No. 20181116017

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(C) Accessory building or structure on lot that does not have a completed principal structure

Property Location: 3165 Hyder Av, Deltona 32738

Parcel No. 810100000201

Zoning: A-3

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on December 4, 2018

The respondent was present for the hearing.

Mr. Enrique, interpreter, was sworn in.

Michael Mazzola, Code Compliance Officer, presented the case. He said what we have here, is accessory structures on the property. Michael explained his pictures to the board. He said the accessory structure was gone. On November 20, 2018, Michael spoke with the owner of the property. Mr. Viera said he would remove the structure. Staff received high levels of complaints about the area, via e-mail. On December 13, 2018, the notice of hearing was posted on the property. On February 2, 2019, the building was taken off the property. Staff recommends that the property be found in non-compliance and dismiss, because the property is in compliance at this time.

Mr. Enrique translated from English to Spanish for Mrs. Viera.

Via the translator, Mrs. Viera said about two days ago, she spoke with Chris Hutchison March 20, 2019

and he said the property was zoned A-3. The intended purpose of the building was a chicken coop and they told her, it was fine for her to have that. Mrs. Viera asked why she was told, that she had to remove the structure. She said they removed it, because they didn't know.

Michael said he thought it was just a building.

Mr. Enrique said it was a chicken coop.

Chris Hutchison, Code Administration Manager, said the information came to us, after the code case had run its course, through the notice of violation. He said after the expiration date, we learned that it was a chicken coop and could have been allowed there. He said, I really feel that we should withdraw this case.

Member Wild said we had a case coming before us that was in compliance. He said you don't have even the potential here for a future violation, so why did it even come to us, as opposed to staff just dismissing it?

Mr. Brown said for this case, it was that we just found out the information about the chicken coop and it had already, kind of been processed.

Member Wild said okay, but you could have just dismissed it, this morning when we asked for anymore agenda changes. He said dismiss the thing, so it saves 10 minutes.

Mr. Brown said it should have been, but we're hearing it now.

Mr. Nelson said there is someone here, who wanted to talk about the case.

Mr. Cino said that it has been withdrawn.

Mr. Brown said it hasn't been withdrawn yet. Mr. Brown asked Michael, if he wanted to bring the witness up.

Michael said I was on the property and it was a chicken coop.

Ursula Morin gave her name and address for the record. She said that the structure was a chicken coop, the entire time. She said that was not what the original complaint was about. She said that Steve Cappo made the original complaint about asphalt millings that are one acre of the property. Ms. Morin explained that the land was cleared and asphalt was put down. She explained the consequences of this to the board. She talked about the flooding that it causes.

Mr. Cino said that is not what is in front of us today.

March 20, 2019

Ms. Morin explained why asphalt should not be brought it.

Mr. Nelson explained that they cannot bring in additional fill. He said this case is similar, to the two other cases that we had before; where we did not have the Zoning Official's ruling on not bringing in offsite materials and spreading them without a building permit.

Ms. Morin said I was the one that gave that to Mr. Brown.

Member Wild said unfortunately, ma'am the case before us is merely the accessory structure building; we are not here, with regard to your drainage concerns.

The engineer asked the board how they fix that correctly and have Mr. Mazzola report it right and stop calling it a chicken coop?

Ms. Morin said I brought that to his attention.

The Chairman said that's not what's occurring.

Mr. Nelson said at the time, we were told that we didn't have a case to bring, by the director of that department. He said the only thing that could come, is the chicken coop, which we didn't know was a chicken coop. He said we thought it was an accessory structure.

Ms. Morin mentioned the complaints that she submitted.

Mr. Nelson said at the discretion of the Zoning Enforcement Official, there was no evidence to bring forth and we were told that we did not have a code violation. He said we have to have a code violation to bring it forward.

Ms. Morin said so now we have nothing.

Mr. Nelson explained the letter from the, Zoning Enforcement Official, in regard to bringing fill onto a site. He said all three of these happened and this is why we got the determination.

Member Wild said you probably have a civil case.

Mr. Morin said so now, I have to hire an attorney because their asphalt is now on my property.

The Chairman said the county doesn't have an ordinance prohibiting it.

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Member Leonard said if there is an encroachment onto your property, get an attorney and have them look into it.

Ms. Morin repeated that she would have to get an attorney.
The Chairman said we don't have a code violation.

Ms. Morin explained the flooding on her property.

Mr. Nelson said we do not have an ordinance that addresses that; so that could not come here as a case, we do now have something that we can use, to address offsite fill. He advised that they understand it before they leave. He said the fill case did not come before the board, because we were told that we did not have a case by the experts.

Per the translator, Mrs. Hernandez said she understood. She said they had to put milling in, so that they could drive onto the property. She said that it is not a foot high. She said that she received the letter, saying no more fill.

THIS CASE WAS WITHDRAWN

CEB2018524-MORRISON MICHAEL J

Sheriff-Served

Complaint No. 20180820055

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

Property Location: 331 N Tymber Creek Rd, Ormond Beach 32174

Parcel No. 412404000530

Zoning: MH-4A,RCA

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on February 13, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. During the October 18, 2017, CEB hearing; Mr. Morrison appeared, because he was living in the RV. Mr. Morrison told the board that the RV was put there by FEMA, as the house could not be lived in. Various inspections of that violation, showed other violations on the property. The violations and notices of hearings, were Sheriff-Served. There has been no contact with Mr. Morrison and the site and conditions remain unchanged. Staff recommends a finding of non-compliance, with a compliance date of April 3, 2019 and a hearing to impose fine scheduled for April 17, 2019.

Margaret said there are also other R.V.s on the property that people are living in. She said a woman living on the property allowed her to come in and take pictures of the March 20, 2019

backyard. She said all the vehicles were originally in the backyard, but he moved them to the front yard.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018525-MORRISON MICHAEL J

Sheriff-Served

Complaint No. 20180820056

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: 331 N Tymber Creek Rd, Ormond Beach 32174

Parcel No. 412404000530

Zoning: MH-4A,RCA

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on February 13, 2019

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018527-MORRISON MICHAEL J

Sheriff-Served

Complaint No. 20180820057

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

Property Location: 331 N Tymber Creek Rd, Ormond Beach 32174

Parcel No. 412404000530

Zoning: MH-4A,RCA

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on February 13, 2019

The respondent was not present for the hearing.

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Margaret Godfrey, Code Compliance Coordinator, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018526-VELAZQUEZ FIDEL

Served

Complaint No. 20181016002

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

Property Location: 357 Emporia Rd, Pierson 32180

Parcel No. 581401010030

Zoning: MH-5

Code Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on Nov 01, 2018

The respondent was not present for the hearing.

Antonio Paez gave his name and address for the record. He said that he works for the firm that was hired to do the drawings. He said the contractor applied for the permit today.

Christopher Hooper, Code Compliance Officer, presented the case. A building inspector was out doing inspections and came upon a renovation/remodel on the mobile home; a new metal roof, trusses and some structural work. The violation was received on October 16, 2018 and a stop work order, was posted on that same day. The certified notice of violation and hearing were both signed for. As of the March 6, 2019 inspection, the site and conditions remain unchanged. He showed the board, the pictures taken by the building inspector. Staff recommends a finding of non-compliance, with a compliance date of April 3, 2019 and a hearing to impose fine, scheduled for April 17, 2019.

Member Leonard asked if anyone was living in the home.

Christopher said he believes so, as he saw cars parked there.

Mr. Paez said that the property owner, also owns the property next door. He said he could park his truck there, as he owns both lots. He said I don't believe they live there, at the moment as there is no power.

Christopher said that he believed the house was vacant back in October, as the inspector March 20, 2019

was able to go into the house.

Member Wild asked Mr. Paez, if he did the drawings for the after the fact permit.

Mr. Paez said they did the as-built drawings and they were given to the contractor. He explained the reason that it has taken Mr. Velazquez so long to comply, is that he was looking for a contractor that is in his budget. He said the drawings were submitted this morning. He said the property owner needs time.

Mr. Paez explained that Duke Energy has cut the power to the property. He said the pole fell down and that's what started the problem with code enforcement.

Based on the evidence and testimony provided, Member Zahn MOVED to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1. The board further ordered that the structure remain unoccupied, until the process is completed. After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018532-TIPPINS BRUCE & CONNIE

Served

Complaint No. 20171024056

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). (Renovations/remodel)

Property Location: 4630 Herin Dr, New Smyrna Beach 32168

Parcel No. 723000000412

Zoning: A-1,RC

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on November 3, 2017

THIS CASE WAS WITHDRAWN

CEB2019001-GEIGER RICHARD DAVID & JAMES

Posted

Complaint No. 20180518035

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

Property Location: 2032 Jason St, Ormond Beach 32174

Parcel No. 412402000600

Zoning: MH-4A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 12, 2018

March 20, 2019

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. On May 17, 2018, staff received a complaint about a fence that was constructed with telephone poles, without permits. There was also a shed brought onto the property without permits. An after the fact permit was issued in 2016, but it expired, without any inspection approvals. The notice of violation was received in June of 2018. An after the fact permit was applied for, but it expired due to lack of activity. Margaret said that permit was never even issued. Staff has spoken with Mr. Geiger about the violations and he took steps to comply, but that's all that's been done.

The property was posted with the notice of hearing on February 22nd. A permit extension was requested, but the shed permit is still expired. The fence permit was never issued. Staff recommends a finding of non-compliance, with a compliance date of April 3, 2019 and a hearing to impose fine scheduled for April 17, 2019.

The Chairman asked if there was a fence permit back in 2016.

Margaret said yes, it was applied for but it was never issued. She said the application expired.

James Geiger gave his name and address for the record. He said the fence was originally made of four by fours, but it started to fall down. He said at the time he worked for the railroad. He talked to his friend, Iron horse Billy; Mr. Iron Horse Billy said that he had some telephone poles laying out here. Mr. Geiger accepted the telephone poles. He said that he did this, because four by fours only last about twenty years and he didn't want to replace them when he's 70 years old. He said he wanted to use something that he wouldn't have to replace, hence the fence.

Mr. Geiger said shortly after he began the project, his mom got sick and he had to leave the railroad to take care of her. He said once that happened, funds ran out. He said that he works for Halifax Paving now and it's going to take a while, to get this finished. He said it's going to look really cool once we get done. He said that the tops of the poles are going to look like chess pieces; like castles.

The Chairman asked if the fence that Mr. Geiger applied for back in 2016, similar in configuration.

Mr. Geiger said it's exactly the same. He explained that as far as the shed goes, he did some work for the guy at the flea market and he said he bought the shed from him for \$300.00.

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The Chairman explained the requirements for a shed, to Mr. Geiger.

Mr. Geiger said that his backyard is full of water. He said that once the weather clears up, he'll get some shell out there and put the shed wherever it needs to be. He said right now, I can't even get a piece of equipment out there.

Mrs. Geiger said we applied for the fence permit on June 11th and the violations came out on the 12th. She said she has the receipt, from when they paid. She said they tried to get everything done, but when they came back, they found the violation.

Mr. Geiger said they came to the office and signed some papers.

Margaret said that was a permit extension.

The Geiger's specified that they live at 2032 Jason St. Ormond Beach and they wanted the mail to go there.

Margaret specified that it would go there and not the address in Chipley that is listed as the mailing address, with the property appraiser.

Mrs. Geiger explained the process that they went through, when speaking with the permit center.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a compliance date of May 12, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the May15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019003-GEIGER RICHARD DAVID & JAMES

Posted

Complaint No. 20180605006

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b) Fence erected, moved, or altered without a permit. (After the fact fence permit #20160120012 that has since expired)

Property Location: 2032 Jason St, Ormond Beach 32174

Parcel No. 412402000600

Zoning: MH-4A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 12, 2018

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

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Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a compliance date of May 12, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the May 15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 9 Section 72-341(b).** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019008-JONES MARINNA

Posted

Complaint No. 20181128030

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

Property Location: 1543 E Voorhis Av, Deland 32724

Parcel No. 701400000450

Zoning: R-4A

Code Compliance Officer - Michael Mazzola

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

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Alicia Jones gave her name and address for the record. She said that Marinna, is her 9 year old daughter.

Jim Davis gave his name and address for the record.

Michael said what we have here are a junkyard and abandoned vehicles. He showed the board his pictures. He said in November of 2018, he inspected the property. The violation was received via certified mail, on December 4, 2018. On December 7th, Michael said that he saw some improvement with the junkyard. On January 15, 2019, Michael conducted an inspection and referred the case to the Code Enforcement Board. He posted the property with the notice of hearing on February 15, 2019.

Michael left a door hanger on the property, when he noticed another truck with a flat-tire on the property. On February 27th, Michael posted the property with the old and new violations and the notices of hearing. Staff recommends a finding of non-compliance, with a compliance date of April 12, 2019 and a hearing

Mrs. Jones said the truck in the front yard has been sold and the one in the backyard, is for sale. She explained that they aren't hers.

The Chairman referred Ms. Jones to slide 3.

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Mrs. Jones said they're trying to repair the roof and the barn. She explained that a tree fell and that everything is getting wet in there. She said they had the things outside under tarps and it's just taking more time than they thought. She said we've been working on it.

Member Zahn asked if they had a permit for the roof of the barn.
Ms. Jones said no.

Member Zahn advised Ms. Jones, that she might want to get a permit.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a compliance date of May 12, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the May 15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019090-JONES MARINNA

Posted

Complaint No. 20190227021

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: 1543 E Voorhis Av, Deland 32724

Parcel No. 701400000450

Zoning: R-4A

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on February 27, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a compliance date of May 12, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the May 15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019010-ROCKWELL ANITA KAY

Hand-Delivered

Complaint No. 20180710090

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b) Fence erected, moved, or altered without a permit

Property Location: 967 Shockney Dr, Ormond Beach 32174

Parcel No. 423812000170

Zoning: R-4A,RCA

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jul 13, 2018

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Matt Welch, Attorney, gave his name and address for the record. He said he is representing Kay Rockwell. He said he was there to provide information and a suggestion.

On July 5th staff received a complaint about a fence that was built without permits. On July 13th, the certified notice of violation was received. On August 20th, the permit application was submitted; later, there was a request for additional information from the Zoning Department, as the property is waterfront. She explained that there was an issue with the height. Margaret said an e-mail was sent to Ms. Rockwell, concerning an application for a pre-app variance meeting and it looks like it didn't go any further than that, as Ms. Rockwell has had health issues.

On February 15th, Margaret hand-delivered the notice of hearing to Ms. Rockwell. Margaret explained the Ms. Rockwell that her application was about to expire. The request for additional information was never responded to and the application expired. Staff is recommending a finding of non-compliance, with a compliance date of April 3, 2019 and a hearing to impose fine scheduled for April 17, 2019.

Mr. Welch said that Ms. Rockwell was not able to attend today's hearing, because she is very sick. He said they are working toward compliance and that he'd like to go through the variance process. He asked the board for 90 days to get everything submitted. He said they could find non-compliance now, if it suits the board, but I'm asking for 90 days instead of the 30.

Mr. Welch discussed what, specifically, is wrong with the fence with the board.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of June 13, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the June 19, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 9 Section 72-341(b).** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019028-MM CREATIVE USA LLC

Served

Complaint No. 20180803033

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

Property Location: 416 W New Hampshire Av, Deland 32720

Parcel No. 702000000610

Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on February 5, 2019

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

THIS CASE WAS WITHDRAWN

CEB2019064-DEKANCHUCK LORI ANN

Hand-Delivered

Complaint No. 20190213087

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted. (Scrapped metal, rubber tires, glass, wood scraps, plastic, tools, equipment, fixtures, appliances, construction materials, automobile parts, and/or discarded automobile.

Property Location: 1495 N Us Hwy 17, Seville 32190

Parcel No. 480500000060

Zoning: B-4

Code Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on February 15, 2019

The respondent was present for the hearing

Christopher Hooper, Code Compliance Officer, presented the case. Staff received a complaint about the property on February 14th. The notices of violation, were hand-delivered to Mr. Dekanchuck. He said there's a junkyard, trailers, heavy equipment, R.Vs, abandoned vehicles, a tow truck etc. He showed them his pictures of the property.

March 20, 2019

Member Wild asked if this property had been before them before.

Christopher said that Mr. Dekanchuck owns the property directly South which is 1475. Christopher explained that Mr. Dekanchuck also has items on that property and it came before the board, last February. He explained there is a fine running on that property and it is maxed out at \$25,000.00.

The Chairman said and supposedly, he was going to move everything to this property.

Christopher said he still has everything on that property. He said that upon research, the other property has a PUD, where this one does not. He said that they can put things in the building and work on them there, but you can't put all the stuff outside. Christopher said all the stuff won't fit outside the building.

The Chairman said he'd love to see a survey of the property. He said we'd like to know where the right of way line is.

Christopher said he was pretty upset and he said he'd be coming down here; but he didn't come. Staff recommends a finding of non-compliance, with a compliance date of April 3, 2019 and a hearing to impose fine scheduled for April 17, 2019.

The Chairman asked if there was still a sign on the property that apologizes to the people of Seville.

Christopher said yes. He showed the board an aerial of the property. He said that Mr. Dekanchuck had issues in Orange City, I had a case on his property then. Christopher said that Mr. Dekanchuck bought the property in Seville and he moved it all up here, and says I didn't realize that this wasn't allowed. Christopher told Mr. Dekanchuck, that he needs to do his research first and he didn't do that.

Based on the evidence and testimony provided, Member Wild MOVED **to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019065-DEKANCHUCK LORI ANN

Hand-Delivered

Complaint No. 20190214037

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Converting junk trailers into accessory structures for storage.

Property Location: 1495 N Us Hwy 17, Seville 32190

Parcel No. 480500000060

Zoning: B-4

March 20, 2019

Code Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on February 15, 2019

The respondent was present for the hearing

Christopher Hooper, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild MOVED to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241. After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019066-DEKANCHUCK LORI ANN

Hand-Delivered

Complaint No. 20190214038

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Heavy equipment stored/parked where not permitted

Property Location: 1495 N Us Hwy 17, Seville 32190

Parcel No. 480500000060

Zoning: B-4

Code Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on February 15, 2019

The respondent was present for the hearing

Christopher Hooper, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild MOVED to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241. After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019067-DEKANCHUCK LORI ANN

Hand-Delivered

Complaint No. 20190214039

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287(B) Maintaining a r/v, boat and/or trailer without current tags/validation sticker

Property Location: 1495 N Us Hwy 17, Seville 32190

Parcel No. 480500000060

Zoning: B-4

March 20, 2019

Code Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on February 15, 2019

The respondent was present for the hearing

Christopher Hooper, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (B).** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019068-DEKANCHUCK LORI ANN

Hand-Delivered

Complaint No. 20190214040

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: 1495 N Us Hwy 17, Seville 32190

Parcel No. 480500000060

Zoning: B-4

Code Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on February 15, 2019

The respondent was present for the hearing

Christopher Hooper, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of April 3, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019076-HERNANDEZ ENRIQUE & YULIET

Posted

Complaint No. 20190222012

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

Property Location: 3233 N Covington Dr, Deltona 32738

Parcel No. 811202000060

Zoning: FR

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on February 25, 2019

March 20, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He said what we have here, is dump trucks on the property. He said there's about 3 or 4 of them, in one day. Michael said as of February 27th, they were gone. He showed pictures from his inspection of the property, to confirm this. On February 8, 2019, Chris Hutchison, Code Compliance, spoke with Mr. Hernandez on the property. Mr. Hutchison gave Mr. Hernandez a warning.

On February 13, 2019, Michael inspected the property; he said he noticed a lot of activity on the property. On February 25, 2019, staff received a high level of e-mail complaints about this area of Deltona; on that same day, Michael posted the property with the notices of hearing. Staff is recommending a finding of non-compliance and dismissal, as the property is in compliance at this time.

Member Leonard asked for clarification on the violation was for.

Michael said it's for the use of the truck and parking the truck on the property. He said it's for the use of it; he's using the trucks for personal use. He specified that the trucks are not being used for the farm.

Mr. Hernandez said my dad and I drive trucks. He explained the distances that they drive to the board. He said most of the time they park in a yard in Orlando. He said if I finish the day over here, I'm not going to drive all the way to Orlando, when I have 10 acres. He explained that he owns this property and another that he is building a house on. He said a lot of the dump trucks that are parked, were his friends who helped him. He said it they're helping him for the day, the least thing he can do is let them park there for the day. He said that he's had trucks there since 2006. Mr. Hernandez said there's five houses being constructed on that road, so there's going to be a lot of traffic. He said I've never had a complaint regarding the trucks, but I just wanted to make it clear that we are trying.

Member Wild explained what being a repeat violator meant.

The Chairman explained what the zoning for that property allows.

Olga Rodriguez gave her name and address for the record. Ms. Rodriguez said that the picture with the trucks, only happened once; when Mr. Hernandez was filling his lot. She said the property was basically underwater, and there was a lot of commotion when he filled the land up that day. She said it's a \$160.00 for each truck, so they wanted to get it done quickly. She said the neighbors probably got mad and she understands that, but it was a one-time thing. She said the trucks were only there, while the lot was being filled; its finished and they're not parked there now. Ms. Rodriguez said they have a flat truck and they use it for hay. She said the flat truck is the only one they own.

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Ms. Rodriguez explained that her husband also uses the truck to make a living. She said it doesn't make sense to pay \$150.00 a month, to store the truck in Orlando, when they can park it on their property; she said it isn't fair. She said it doesn't make sense at 5 o'clock to go to Orlando and drop the truck off and have someone go all the way out there to pick him up and bring him back.

The Chairman said you'll just have to find someplace else, to park the truck in the Deltona area. He said it's not permitted.

Member Wild said they have to follow the ordinance and they don't have the leeway to say once a month or twice a month, they can do this.

The Chairman asked Mr. Hernandez, if he had a building permit for the house, when he started to bring fill onto the property.

Mr. Nelson explained that the Zoning Official just determined that you had to have a building permit, if you were bringing fill onto a lot for the foundation.

Mr. Hernandez said that he understood.

Based on the evidence and testimony provided, Member Wild MOVED **to issue an Order of Non-Compliance and Order of Dismissal.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019077-HERNANDEZ ENRIQUE & YULIET

Posted

Complaint No. 20190222025

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (A) Parking truck tractor, semi-trailer, commercial bus, cutaway van, or chassis cab, truck where not permitted

Property Location: 3233 N Covington Dr, Deltona 32738

Parcel No. 811202000060

Zoning: FR

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on February 25, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild MOVED **to issue an Order of Non-Compliance and Order of Dismissal.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

March 20, 2019

CEB2019079-RYAN HAROLD J & BRENDA M

Posted

Complaint No. 20180810001

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (A) Parking truck tractor, semi-trailer, commercial bus, cutaway van, or chassis cab, truck where not permitted

Property Location: 170 Birch Av, Orange City 32763

Parcel No. 801501000200

Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Aug 13, 2018

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Brenda and Harold Ryan, gave their names and address for the record.

Michael said what we have here, is a box truck that's parked in the back yard. He also showed the board a picture of an addition without permits, in the back of the house. Michael showed the board pictures of the RV in the front yard, the fence and carport without permits and the addition without permits. On August 7, 2018, Michael did an inspection and found the fence without permits, RV in the driveway and a box truck in the back yard.

On August 3, 2018, the certified notice of violation was received by Brenda Ryan. On August 14th, Michael spoke with Mr. Ryan and he said he needed more time. On October 11th, there were still violations on the property. He said he spoke with Mr. Ryan, about getting all the violations into compliance. Michael said he gave Mr. Ryan until November 1, 2018, to get a fence permit and until the end of the year 2018, to move the RV. He told Mr. Ryan that they could work on the other violations in 2019. On November 1st there was no fence permit and the RV was still parked in the driveway.

The property was posted with the violations and the notices of hearing on February 26, 2019. On February 28, 2019, Chris Hutchison and Kerry Leuzinger had a meeting with Mr. Ryan and they told him how to get into compliance. Staff is asking that the property be found in non-compliance, with a compliance date of April 12, 2019 and a hearing to impose fine scheduled for April 17, 2019.

The Chairman asked to see slide 4, with the box truck.

Mr. Ryan said that's not my property. He said you're taking pictures of the neighbor's property; that's not my property.

Michael explained the way that he took the pictures to the Ryan's and the board. Mr. Ryan understood that the pictures were of his property.

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The Chairman asked if the trucks were his.

Mr. Ryan said they were.

Mrs. Ryan said they told them that they couldn't park the RV in the driveway. She said they moved it to the side.

Mr. Ryan said when he came down here, he bought a truck and stopped a zoning officer that was driving by; he asked if he could park his truck in the yard. Mr. Ryan said the zoning officer said he could park the truck in the yard, as long as no one complained. He explained that he had larger trucks and he parked them out back. He said he sold them and bought the truck that he has now. He said he put in the yard and they said he couldn't put it in the yard. Mr. Ryan discussed his health issues with the board.

The Chairman explained that the box truck can't be on the property.

Mr. Ryan said they said it can be on the property.

The Chairman said it can't, the R.V can be on the property, but in the back.

Mr. Ryan said there is a tree back there and I can't move it farther back. He said that he uses the box truck.

Member Wild asked if he could put the box truck in the garage.

Mrs. Ryan said it won't fit.

The Chairman asked about the fence.

Mr. and Mrs. Ryan said they paid for a permit.

The Chairman asked about the addition on the house.

Mr. Ryan said that's confusing. He said there was a deck there, when I bought the house. He said he took the hot tub out and made into a deck. He said then the bugs came and he decided to put a roof on it and screen it in. He said that didn't work out too well, because the rain and the wind came in. He said he then, put some windows in it.

The board explained that they needed a permit for the addition.

Mr. Ryan said it would be nice, if when you bought a house they sent you a booklet of what you can or can't do.

The board agreed.

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Mr. Ryan talked about the rules in Vermont.

The Chairman recapped everything that the Ryan's need to do.

Member Leonard asked for clarification, of the trailers in one of Michael's pictures. She wanted to know if they were all on Mr. Ryan's property.

Michael explained which trailers belonged to Mr. Ryan.

Mr. Ryan said they're trying to get rid of some things, and they could sell the trailer.

Margaret Godfrey, Code Compliance Coordinator, said that the fence permit, is at ready-issue status; it just needs to be picked up. She said it is valid until September 15, 2019.

Based on the evidence and testimony provided, Member Zahn MOVED to issue an Order of Non-Compliance with a compliance date of April 12, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (A). After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019080-RYAN HAROLD J & BRENDA M

Posted

Complaint No. 20190110005

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

Property Location: 170 Birch Av, Orange City 32763

Parcel No. 801501000200 Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on February 25, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn MOVED to issue an Order of Non-Compliance with a compliance date of April 12, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1. After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

March 20, 2019

CEB2019081-RYAN HAROLD J & BRENDA M

Posted

Complaint No. 20190110003

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

Property Location: 170 Birch Av, Orange City 32763

Parcel No. 801501000200

Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Aug 13, 2018

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a compliance date of April 12, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (C).** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019082-RYAN HAROLD J & BRENDA M

Posted

Complaint No. 20180810009

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b) Fence erected, moved, or altered without a permit

Property Location: 170 Birch Av, Orange City 32763

Parcel No. 801501000200

Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Aug 13, 2018

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a compliance date of April 12, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-341 (b).** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

March 20, 2019

CEB2019083-HERNANDEZ JOSE A

Posted

Complaint No. 20180810015

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

Property Location: 165 Birch Av, Orange City 32763

Parcel No. 801501000330

Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on August 10, 2019

The respondent was present for the hearing.

Edgar Burgos, Volusia County Sheriff's Office, served as a translator for Mr. Lara. Mr. Burgos was sworn in as a translator.

The Chairman asked if Mr. Hernandez was there to contest the violation or provide information.

Via the translator Mr. Hernandez said, he was there to tell the board that he removed the trailer from the property. He also said that he removed the construction as well.

Michael Mazzola, Code Compliance Officer, presented the case. Michael said what we have here, is construction of the front porch and a trailer in the front yard. He showed the board a picture of the new construction.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

Via the translator, Mr. Hernandez said that the picture doesn't show what the property looked like. He said there was a small barn that was moved away from the property.

On February 26, 2019, Michael said he saw plumbing and electric coming out of the bathroom. He showed the board pictures of what he saw and explained them. He showed the board pictures of the trailer in the front yard. He directed the board, to a picture of a stove in the garage. Michael said he has not checked to see if it's hooked up yet. He said they were using it, the day he inspected the property.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

Via the translator, Mr. Hernandez acknowledged that all those things were there.

Michael said on August 18, 2018, the violation was sent, via certified mail. He showed a picture of the trailer stuck in the front yard to the board; it was taken on September 13th.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

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On November 13, 2018, we received another complaint about the front porch addition. Michael said during his inspection, he noted that the porch was attached to the front of the house and the trailer was still in the front yard.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

On January 12, 2019, the notice of violation was received. On January 14, 2019, Mr. Hernandez came into the office and said that he would take down the porch. Michael said that he gave Mr. Hernandez until February 14, 2019, to take down the porch. On February 26, 2019, the property was posted with the notice of hearing.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

Staff recommends a finding of non-compliance, with a compliance date of April 12, 2019 and a hearing to impose fine scheduled for April 17, 2019.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

Member Needham asked if the porch was taken down.

Michael said that he hasn't had a chance to do an inspection, since the shed was taken down.

Member Wild asked if the trailer was still there.

Michael said it was still there during his last inspection.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

Via the translator, Mr. Hernandez said since the first time Michael came to his house, he had the trailer removed. He said he removed the first trailer and then he brought another trailer, which he used to remove the debris from the porch. He said the second trailer, has also been removed.

Member Wild asked what the construction was.

Michael said there was construction, on the front porch and in the garage; it's not permitted.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

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Chris Hutchison, Code Compliance Manager, said that he was in the area, last Friday; he said that the trailer was still there, as of March 5th. He said the trailer was still in the front yard and he was in the process of removing the front porch roof. He said there were still posts in the ground, but you could see that he had been working on it.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

Via the translator, Mr. Hernandez said that he acknowledges Mr. Hutchison's testimony; he said that the trailer was removed yesterday.

Member Wild asked Michael to talk about the construction with the yellow cord and the wastewater.

Michael said you mean the garage wall. He said that he didn't know where it was going, but he saw a sink and a stove.

Member Wild said so, it's the sink that's connected.

Michael said I believe so. He said you'll have to ask Mr. Hernandez, but I believe the stove and the sink are connected.

Member Wild asked Michael if he knew, what they were going to do in the garage.

Michael said he did not know.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

Via the translator, Mr. Hernandez said He still has the sink, outside. He said the lavatory is for the laundry and it is still there. He said it's not connected. Mr. Hernandez said that he cut the pipes, so the connection is no longer there. He said it is still there, but he will have it removed from the property.

Member Leonard asked about the stove in the garage.

Via the translator, Mr. Hernandez said his wife likes to cook in the garage, because she doesn't like the smell inside the house. He stated that he told Michael, that he will have it removed. As of right now, it's still there.

Member Leonard asked Michael if Mr. Hernandez removes the stove, will it take care of the electrical cord outside and that electrical issue.

Michael said I'm not an inspector, so I really don't know all the electrical work, that's been done to the property.

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Member Leonard said so we need to get a 10 day, electrical affidavit, for life/safety issues.

Mr. Nelson said yes. He said that when Mr. Hernandez is done, have him call for an inspection and Michael can make an appointment with a building inspector, to inspect the property. He said if the inspector sees something that concerns him, he can issue the notice to disconnect. Mr. Nelson said, I don't think we need to do it right now.

Mr. Nelson asked Kerry Leuzinger, Chief Building Official, if that is okay.

Mr. Nelson said that Mr. Leuzinger, nodded his head yes.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

Via the translator, Mr. Hernandez asked if he could have the stove in the garage, without it being connected.

Mr. Nelson said he could store it in the garage.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

Mr. Burgos said that Mr. Hernandez understands.

Mr. Nelson said but not cooking; not connected.

Member Zahn asked if it would be possible for Mr. Hernandez, to obtain a permit for a summer kitchen and have these properly installed, outside the house. If there's a permit. Mr. Nelson asked Scott Ashley, Senior Zoning Manager, if he wanted to address the question.

Mr. Ashley said we do allow for a summer kitchen, as long as it is on the outside. He said under a roof, like a lanai or a porch; so long as it is not an enclosed area, or totally outside. He said typically these are in the backyard area of a home. He said something like that, but staff would not be supportive, of something in the garage.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

Mr. Burgos asked If Mr. Hernandez would need a permit to do this.

Mr. Ashley said yes.

Via the translator, Mr. Hernandez asked if he could use the stove in the garage, with a permit.

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Mr. Burgos said that he told Mr. Hernandez no.

Mr. Nelson said the answer would be no. He said that Mr. Hernandez should solve the violation and if he has questions about what he can do, he can then ask staff.

Mr. Burgos explained this to Mr. Hernandez, in Spanish.

Based on the evidence and testimony provided, Member Needham MOVED **to issue an Order of Non-Compliance with a compliance date of May 13, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the May 15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (C).** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019084-HERNANDEZ JOSE A

Posted

Complaint No. 20190225010

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

Property Location: 165 Birch Av, Orange City 32763

Parcel No. 801501000330

Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on August 10, 2018

The respondent was present for the hearing.

Edgar Burgos, Volusia County Sheriff's Office, served as a translator for Mr. Lara. Mr. Burgos was sworn in as a translator.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Needham MOVED **to issue an Order of Non-Compliance with a compliance date of May 13, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the May 15, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019085- COLEMAN KAREEN

Hand-Delivered

Complaint No. 20180323007

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

Property Location: 315 Spring Forest Dr, New Smyrna Beach 32168

Parcel No. 721401000060

Zoning: A-1

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on May 29, 2018

The respondent was present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case.

Jeff Coleman, Mrs. Coleman's husband, gave his name and address for the record.

This case began with a complaint, about a business being run without a license, in March of 2018. In May of 2018 the internet site for, Crown Events Barn was found. Certified mailed was sent and received by Kareen Coleman. On June 12th staff received a letter from attorney, Joseph Posey, stating that there were no business activities occurring at this site. Mr. Posey also added that no business activities are to occur, unless Volusia County grants proper approvals.

In October of 2018, the respondent began the process of applying for, a special exception for a rural event center. On January 17, 2019, the PLDRC approved the request for the special exception. On February 25, 2019, staff received a complaint about a wedding that was held on the premises on February 23rd. On March 4, 2019, staff received another complaint that there had been another event held on the premises. On March 5, 2019, the County Council approved the request for a special exception for a rural event center.

The structure used for the events, is 4,800 sq ft. A building permit was issued in 2015, for a barn, including a porch and plumbing for bathrooms. As a condition of the special exception, all structures used for the rural event center, shall be constructed and maintained in accordance with the Florida Building Code and the Florida Fire Prevention Code; appropriate permits and inspections, shall be obtained prior to resuming any events/activities on the subject parcel.

Staff has serious concerns, regarding the use of the structure while not having proper permitting and inspection approvals. Debbie said she spoke with attorney, Glenn Storch, yesterday and he said no further events will occur; until the conditions of the special exception are met. She said that she believes that there are no events scheduled at this time.

Mr. Coleman said no.

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The Chairman asked if they have a BTR.

Mr. Coleman said Crown Events does.

The Chairman recapped the events of the case.

Mr. Coleman said he has approval, he just has to go through the process with staff. He said he has his survey already being done and he has all the different things that staff has asked him to do.

Mr. Brown said it was issued subject to the conditions being satisfied; he has to satisfy the conditions under the Florida Building Code and the Fire Prevention Code, to be open for business. He said that's what the issue is.

Debbie said they need to meet site plan approval.

Staff recommends a finding of non-compliance, with a compliance date of June 5, 2019 and a hearing to impose fine scheduled for June 19, 2019; furthermore, all appropriate permits and inspection approvals shall be obtained, prior to holding any events/activities on the subject parcel.

Mr. Coleman said whenever you all sent the notice, we stopped selling. He said I passed up a lot of income and just kept on getting everything that staff asked for.

Member Leonard asked Mr. Coleman if he lived there also.

Mr. Coleman said yes. He said I have a little over 10 acres out there.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance with a compliance date of June 5, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the June 19, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241. The board further ordered the conditions of all appropriate permits and inspection approvals be obtained, prior to resuming any events /activities on the subject parcel.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019086-MELINDEZ PAVON NERY

Posted

Complaint No. 20190226012

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

Property Location: 3124 Hyder Av, Deltona 32738

Parcel No. 810100000401

Zoning: A-3

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on February 25, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

The respondent gave her name and address for the record.

Michael showed the board pictures of the Facebook page for the violation. He also showed pictures of the structure. He explained his pictures. On February 25, 2019, staff received an e-mail complaint about weddings being advertised at the barn on Facebook. Staff received a high-level of e-mail complaints about this area of Deltona. On February 26th, Michael posted the property with the notices of violation and the notices of hearing. Michael said on that same day, he spoke with Nery; she said the weddings were for family and the pictures on Facebook were family. She also said that the advertisements aren't up anymore. Staff is recommending a finding of non-compliance and to dismiss, as the property is in compliance at this time.

Member Wild asked, how the property is in compliance.

Michael said Ms. Melindez will tell you. We had a high-level of complaints.

Ms. Melindez said when we built the barn, it was originally for boarding horses. She said we decided not to, because I didn't want people coming in and out of my property. She said I ended up doing my wedding there, my cousin's wedding and little parties. She said everything was more family members. She said when I spoke with Michael in December, I told him we weren't going to do anything. I was going to remove the Facebook page and not advertise it and I didn't really advertise it as a rental, it was more like people would donate toward the farm, because animals were always included. Ms. Melindez said now what we have in there, is hay and feed for all the animals.

Member Wild said, so the barn is being used as a barn.

Ms. Melindez said correct.

The Chairman asked when the last time that Michael saw the property.

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Michael said not since he posted the property and he hasn't been inside of it.

The Chairman said from where you posted it, you couldn't see one way or the other if it was.

Michael said the Facebook advertisement is down and I couldn't see the inside of the barn, from where I was standing. He said I have to do an inspection on the property.

Member Wild said if we dismiss, can you still do an inspection on the property?

Ms. Melindez said yes. She said I told Michael that whenever he wanted to come in, let me know because the property is gated.

Based on the evidence and testimony provided, Member Wild MOVED **to issue an Order of Non-Compliance with a compliance date of April 13, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019094- MELINDEZ PAVON NERY

Posted

Complaint No. 20190307037

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

Property Location: 3124 Hyder Av, Deltona 32738

Parcel No. 810100000401 Zoning: A-3

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on March 7, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild MOVED **to issue an Order of Non-Compliance with a compliance date of April 13, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the April 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

March 20, 2019

CEB2019087- FONTAINE JAMES & PAMELA

Hand-Delivered

Complaint No. 20181030018

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

Property Location: 6270 S Atlantic Av, New Smyrna Beach 32169

Parcel No. 850501310290

Zoning: R-9W

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on March 1, 2019

The respondent was present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case.

The Fontaine's gave their name and address for the record.

The case regarding a concrete-block wall in violation of the maximum height of 6ft, was reported to staff in October of 2018. The complainant stated that the contractor was constructing a paver wall on top of a retaining wall and it was measuring as high as 11ft. A permit was issued on May 18, 2018, for a concrete-block wall, however that is currently expired. In addition variances to exceed the maximum height, were applied for at that time. In July of 2018, the PLDRC denied the variance request to exceed the maximum height. In September of 2018, there was a request for a re-hearing made, however the PLDRC denied that request also.

Many staff members have been working with the contractor, in attempts to find a resolution; including Clay Ervin, Director of Growth Management. Debbie showed the board an e-mail from Mr. Ervin. Debbie said she made contact with the property owners, after the notice of violation was posted on the property. She said they set up a meeting in March; they met with Mr. and Mrs. Fontaine to discuss the violations and compliance. She said they were unaware of some of the things going on, on the site but they were cooperative and seemed eager to comply. The notice of hearing was hand-delivered to them, that day. Staff agreed that this would take some time to correct.

Mr. Fontaine said when we received the citation and we had the meeting. He said at that point we hired another engineer. The engineer is now going to look at doing another grating and storm water, that'll be closer to the wall. He said that's in the process now.

Member Zahn said I may have a conflict on this, because I did a wall design for Ricky Schrader. He said not for the Fontaine's; he said it's still on that property, so I'll abstain from the vote.

Member Leonard asked if the Fontaine's knew what was happening on the property.

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Mr. Fontaine said they had an idea of what was going on, but we were not there, overseeing it. He said since it started in October of 2018, we've been there may be a dozen times.

Member Zahn said that hiring an engineer to re-do that grating plan, is really the only thing you can do to address it and bring the wall back down. He said it takes a while to do that. He asked if they were involved in doing that.

Mr. Fontaine said as they're trying to get a new grating and storm water working to the 6ft wall, it will take a little bit; the survey is being re-done again, with new elevations. He said once they get that, they'll put a new plan together. He said once the plan is together, it will be sent to the county and approved and then proceed on from there.

Lori Schweitzer gave her name and address for the record. She said they're very happy that this issue is being addressed. She said she's been before the council, as this was in progression. She said their concern as the project goes forward, is that there is protection for their property in place, as they make these corrections to their property. She said when this was in process before and we were doing interior work/renovations our garage flooded three times, with as much as 6 inches of water. She said it was because of this water and silt washing over the retaining wall. She reiterated that there needed to be some sort of protection in place.

The Chairman said that's the responsibility of staff, to review those grating plans that they're having prepared.

Mrs. Schweitzer said she just wants to make sure something isn't coming in, to take everything down and it's a month later and now we're getting close to hurricane season.

Jane Owen gave her name and address for the record. She said the microphone wasn't very loud, so I didn't hear if there were new plans. She said she has the same concerns as the Schweitzer's.

The Chairman said that the property owner has stated that they're preparing new plans, and they're submitting them to the county.

Ms. Owen said she can't react to them, until she knows what they are.

Mr. Fontaine said I think that was part of the plan, where the 6ft wall wasn't big enough to protect the neighbors. He said I don't want a 6ft wall, or a wall period, but we have to do that to retain it. He said the plan was to protect our property, plus their property. He said we tried to do the right thing, to make it work like that but when we had a 6ft wall originally before we took the house down, I needed a 6ft wall to retain everything. He said so now we have a 6ft wall again, and we had to go up another 2ft. He said how that 6ft
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wall works again. He said the engineer is going to figure it out.

Mr. Nelson said the difference is its coastal construction, so it's going on pilings and so the fill is not to be structural fill; their existing home that they demolished to build the new one, needed the fill because the foundation was on the dirt. He said this does not need to be there, it was a choice.

Mr. Fontaine said once we get that done with the engineer, we'll get that here for approval. He said everyone will look at it and I think we'll have a plan, going forward on what we have to do.

Ricky Schrader gave his name and address for the record. He said the reason for this, is that the county allowed a home to be built three and a half feet below the crown of the road next door, so that water runs into it. He said when I hear this baloney, that what we're building allowed water to come into the home; that it false. He said he's been building on that beach for 40 years. He explained his work experience to the board. He said the county has created this; there must be 10 homes, where water runs into the home. He said there was a 5ft retaining wall there, before we got started.

Mr. Schrader said they went for a variance; Pete engineered it and he even gave you all a letter, recommending that the variance be approved. He's on your board!

Member Zahn said let me be careful about something. I wrote that letter, as an opinion of what you showed me for the data, for support of your variance request. He said you took that to the PLDRC; not this board, they're completely separate, and it was reviewed and I didn't have anything to do with it. He asked me for a letter, regarding how I felt about the retaining wall and I wrote that.

Mr. Schrader said and then we got denied on the variance, so we ask what we need to do.

Member Wild said we have no control over the PLDRC, or any of the other boards.

Mr. Schrader discussed his opinions of the PLDRC.

Member Wild said that has nothing to do, with the decision of whether or not this work can be done, prior to June 5th. He said that is the thing, we're trying to determine. He said I thought you were going to get up and give us a discussion.

Mr. Schrader gave his opinions.

Member Zahn abstained from voting, which did not interfere with the vote, as there was a quorum.

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Based on the evidence and testimony provided, Member Leonard MOVED **to issue an Order of Non-Compliance with a compliance date of June 5, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the June 19, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-282.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

IX. Requests for Discussion of Fines

CEB2016132-OUELLET MICHAEL & STEVEN

Served

Complaint No. 20160418040

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). (Single Family Residence)

Property Location: 468 Old Bubbly Rd, Pierson 32180

Parcel No. 483202000650

Zoning: RC

Code Compliance Officer – Christopher Hooper

Property owner was first notified of the violation on Apr 22, 2016

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

*1st Amended Order of Non-Compliance issued at the November 16, 2016 hearing:

*2nd Amended Order of Non-Compliance issued at the December 21, 2016 hearing:

*3rd Amended Order of Non-Compliance issued at the February 15, 2017 hearing:

*4th Amended Order of Non-Compliance issued at the April 19, 2017 hearing:

*5th Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

*6th Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

*7th Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

*8th Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

*9th Amended Order of Non-Compliance issued at the October 17, 2018 hearing:

*Final Order Imposing Fine Lien issued at the November 21, 2018 hearing:

* An Order of Compliance was issued at the March 20, 2019 hearing:

Request for Discussion of Fine/Lien of \$5,000.00

The respondent was present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case. The order of compliance was issued today and they're here asking for a reduction of fine/lien. Staff is recommending to issue a fine of \$500.00; 10% of the fine amount. He said the fine maxed out at \$5,000.00.

The Chairman asked if the \$500.00, would be enough for the costs incurred by the county.

Mr. Nelson said it would.

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Based on the evidence and testimony provided, Member Zahn MOVED **that the fine be reduced to \$500.00, payable within 30 days or it reverts to the original amount.** After Member Leonard **SECONDED** the motion, it **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**

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ADJOURNMENT

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

Respectfully submitted,

Meghan Lindsey
Code Enforcement Board Clerk

March 20, 2019

C E R T I F I C A T E

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

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

**WITNESS MY HAND this _____ day of _____, 2019, in the City of
DeLand, County of Volusia, State of Florida.**

**Meghan Lindsey
Code Board Clerk**

March 20, 2019