



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

March 21, 2018

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

MEMBERS PRESENT

**Chad Lingenfelter, Chair
Kenneth Runge
Tom Wright
Gerard Smith
Donald Needham
Charles Cino, Board Attorney
Pete Zahn**

MEMBERS ABSENT

Harry Wild Jr., Vice-Chair

STAFF PRESENT

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

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APPROVAL OF MINUTES

Member Needham moved to APPROVE the February 21, 2018 Code Enforcement Board minutes. Member Runge SECONDED the motion that CARRIED unanimously by voice vote.

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

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UNFINISHED BUSINESS

CEB2016173-TIFFANY ROGER LEE

Served

Complaint No. 20160405078

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: 1321 Derbyshire Rd, Daytona Beach 32117

Parcel No. 424219380100

Zoning: R-5

Zoning Compliance Coordinator - Tammy Proulx

Property owner was first notified of the violation on Apr 12, 2016

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of February 14, 2018 hearing:

Order of Compliance

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

CEB2017208-BRADBURY PATRICK J & MARIE S TR

Served

Complaint No. 20161103029

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). Walkway/deck built without permits

Property Location: 2278 John Anderson Dr, Ormond Beach 32176

Parcel No. 322800030080

Zoning: R-3

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Nov 07, 2016

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

*A Report and Affidavit of Compliance was submitted with a compliance date of March 6, 2018.

Order of Compliance

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

CEB2017224- KELLY MARIAN G

Served

Complaint No: 20170615005

March 21, 2018

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: 57 Carol Rd. Suite B, Ormond Beach 32176

Parcel No. 3234-03-00-1130 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on July 26, 2017

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

*A report and Affidavit of Compliance was submitted with a compliance date of February 28, 2018

Order of Compliance

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

CEB2017309-DONAHUE BRIAN & CHERI

Served

Complaint No. 20170301008

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 roof permit.

Property Location: 177 Mills Rd, Deland 32724

Parcel No. 603907000054 Zoning: R-4

Zoning Compliance Officer - Christopher R. Hooper

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of March 1, 2018 hearing:

Order of Compliance

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

CEB2017376-ARDUINO EDWARD & ARMAND A

Served

Complaint No. 20140327003

March 21, 2018

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

Property Location: 12 Juniper Dr, Ormond Beach 32176

Parcel No. 322811020060 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Apr 07, 2014

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

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

Order of Compliance

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

CEB2017377-ARDUINO EDWARD & ARMAND A

Served

Complaint No. 20170627051

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 #20011220003) (Expired roof permit #20161123046)

Property Location: 12 Juniper Dr, Ormond Beach 32176

Parcel No. 322811020060 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jul 03, 2017

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

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

Order of Compliance

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

CEB2016154-DAVIS TAMBRA N TR

Served

Complaint No. 20150821039

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

Property Location: 4287 S Atlantic Av, Port Orange 32127

Parcel No. 631201120040 Zoning: R-9

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Aug 31, 2015

*Order of Non-Compliance issued at the May 17, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the June 21, 2017 hearing:

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- *2nd Amended Order of Non-Compliance issued at the July 19, 2017 hearing:
- *3rd Amended Order of Non-Compliance issued at the October 18, 2017 hearing:
- *4th Amended Order of Non-Compliance issued at the November 15, 2017 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case. A permit has been issued and is valid until August 19, 2018. Staff is recommending a fifth amended order of non-compliance with a hearing to impose fine, set for September 19, 2018.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Fifth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the September 19, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017060-464 SPRING GARDEN LLC

Served

Complaint No. 20161220058

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

Property Location: 464 S Spring Garden Av, Deland 32720

Parcel No. 701814020010

Zoning: B-4,B-4C

Zoning Compliance Officer – Beverly J Abrahamson

Property owner was first notified of the violation on Mar 17, 2017

*The Board continued this case from the May 17, 2017 hearing:

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

*1st Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

*3rd Amended Order of Non-Compliance issued at the September 20, 2017 hearing:

*4th Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case. Chair Lingelfelter asked if all three of the cases could be heard together. Beverly said that they could. There are two applications for permits that were submitted back on July 31, 2017. These applications are still in department review; Land Development has requested conceptual site plans. County staff has requested an onsite inspection, but was told due to medical issues, the flu and hospice, no work has taken place onsite. Beverly was told that they have hired Zahn Engineering to get the required site plan completed.

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She said that she got a message the day before the hearing, from John of Zahn Engineering, letting her know that they are working on the required site plan. He said they may have to rezone to PUD. Staff is recommending a fine of \$50.00 per day, per case; with a cap of \$35,000.00 per case, to begin on April 19, 2018.

Stephanie Riley gave her name and address for the record.

Chair Lingenfelter asked that the record show that Member Smith joined the hearing.

Ms. Riley said she came to meeting, two months ago with Beverly. She said she would like an extension to come back because she had the flu for the past 30 days. She said that that property owner's father just passed away. She said that everything has been a wreck and that they haven't been able to do anything. She said that she pushed until they hired the engineer. Ms. Riley said now we have him, and we're just waiting.

Chair Lingenfelter asked if there had been progress since the photo, from Beverly's presentation was taken. Ms. Riley said that she wasn't sure when the photo was taken. Beverly explained when the photo had been taken.

Member Zahn said that he could give a little information. He said that the property owner came into his office about a month ago. John Zemball is the engineer that's working on this. Mr. Zemball was asked to talk to Beverly, as she had a lot of data and could go back and review the records. Member Zahn said that there was a site plan from the early 80's. When Greg, the owner and Bill came in and talked in our office, they gave us some pretty continuous dates of use for the site. He said the county has the best records on that. He said the site plan is hard to read, but its evidence that something had been turned in. We did a Google Earth and a survey has since come in. We've overlaid the two and a lot can be done with the properties at the rear, but the properties up front; by the time we apply the current zoning setbacks, there really isn't anything that they can do with it to meet current zoning.

Member Zahn said we feel, that a site inspection and a meeting with the county to review what our options are would be best. He said a PUD is probably the way to go to re-zone it, so that we can modify some of the setbacks and account for what has been approved in the past. Our next step is to set a meeting with the county, to show what we have and to show what we believe our options to be. He said that Greg doesn't have to be there, but Stephanie could be.

He said the April date to start the fine is a little short, as we just got involved with this about a month ago. He said that they realize that they have to go through conceptual and site plan approval, to square the site away. Member Zahn said we're on course to do that. He said that if you could grant some extra time, that would be helpful, as we will be having a meeting with you in the next couple of weeks.

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Ms. Riley again asked for more time. Member Zahn said that an amended order would be better.

Chair Lingenfelter reiterated that staff is recommending a fine to begin April 19th and the respondent is asking for an extension or sixth amended order. He asked the desire of the board.

Member Zahn asked Beverly if she'd have any objection to an amended order. The board discussed how much time they should allow with staff.

Pete Zahn did not vote however, the outcome of the vote did not change, because there was a quorum and the vote was unanimous.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Sixth Amended Order of Non-Compliance with a compliance date of June 18, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the June 20, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017063-464 SPRING GARDEN LLC

Served

Complaint No. 20161220056

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291 Retail/Wholesale sales without the required site plan approvals.

Property Location: 464 S Spring Garden Av, Deland 32720

Parcel No. 701814020010

Zoning: B-4,B-4C

Zoning Compliance Officer – Beverly J Abrahamson

Property owner was first notified of the violation on Mar 17, 2017

*The Board continued this case from the May 17, 2017 hearing:

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

*1st Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

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

*4th Amended Order of Non-Compliance issued at the hearing:

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

Pete Zahn did not vote however, the outcome of the vote did not change, because there March 21, 2018

was a quorum and the vote was unanimous.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Sixth Amended Order of Non-Compliance with a compliance date of June 18, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the June 20, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-291.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017064-464 SPRING GARDEN LLC

Posted

Complaint No. 20130530032

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

Property Location: 464 S Spring Garden Av, Deland 32720

Parcel No. 701814020010

Zoning: B-4,B-4C

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Jun 06, 2013

*The Board continued this case from the May 17, 2017 hearing:

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

*1st Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

*3rd Amended Order of Non-Compliance issued at the September 20, 2017 hearing:

*4th Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

Pete Zahn did not vote however, the outcome of the vote did not change, because there was a quorum and the vote was unanimous.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Sixth Amended Order of Non-Compliance with a compliance date of June 18, 2018 and Hearing to Impose Fine/Lien to be scheduled for the June 20, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.**

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

CEB2017070-TORRES JOSE & ANA LOUISA

Served

Complaint No. 20161026020

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

Property Location: 1360 Peterson Rd, Pierson 32180

Parcel No. 58100000200

Zoning: A-1

Building Compliance Officer – Christopher R Hooper

Property owner was first notified of the violation on Oct 31, 2016

*Order of Non-Compliance issued at the May 17, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. Christopher inspected the property on March 7, 2018. He said that he's observed no changes to the property. He said that he's had no contact with anyone. There have been no changes in the system and no permits have been applied for. Staff is recommending a fine of \$100.00 per day, to commence on April 19, 2018, not to exceed \$5,000.00.

Antonio Paez gave his name and address for the record. Mr. Paez said that the last time he was at the hearing, the board gave the respondent 90 days. He said that the respondent was having financial issues and he was waiting to do his tax refund for this year. He said that he applied for the pre-application meeting for the variance today. He said that he had a scheduled meeting with Lisa, to apply for the variance. He said that the owner is going to pay the fee for the variance next week. Mr. Paez said that we just need additional time to get that variance taken care of.

Chair Ligenfelter asked if the variance involved a non-conforming lot. Mr. Paez said that it did. He said it's currently on a non-conforming lot, and they need a variance or a special exception. Mr. Paez said that their setbacks are fine.

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

CEB2017118-FERGUSON LEE R & CAROL M

Complaint No. 20161202014

Served

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Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)
Property Location: 4222 S Peninsula Dr, Port Orange 32127

Parcel No. 631204004281 Zoning: R-3(S),RC(S)

Building Compliance Officer – Margaret Godfrey

Property owner was first notified of the violation on

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. A permit is in plans review, waiting for additional information. A request was made for as-built drawings. Staff is recommending a second amended order of non-compliance, with a hearing to impose fine scheduled for May 16, 2018.

The respondent gave their name and address for the record. Mrs. Ferguson said that they submitted as-built drawings; she said that they e-mailed them to Tammy Proulx, Zoning Compliance Coordinator. Mrs. Ferguson said that she received an e-mail back stating that they had to have the original with the engineer sealed. Mrs. Ferguson overnight shipped them to Tammy and she received them.

Mrs. Ferguson said that she received a letter stating that they needed a survey. The survey was just completed and given to staff. Mrs. Ferguson said that the county said that they do not have the as-built drawings. The respondent produced a copy of the e-mails and the as-built plans for the board. They said somehow it got lost.

Chair Lingenfelter told the respondents to keep working with staff. Mrs. Ferguson said that they do but they say that they don't have it. The respondents explained to the board, what they were told was submitted. The respondent reiterated the case history.

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

CEB2017136-MORIN RICHARD J

Complaint No. 20170221029

Served

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Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)
Property Location: 475 Yorkshire Dr, Lake Helen 32744

Parcel No. 71330000029 Zoning: A-2

Building Compliance Officer – Michael Mazzola

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

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

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

*2nd Amended Order of Non-Compliance issued at the January 17, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. On March 5, 2018, Mr. Morin didn't have plans for the house or permits on file. He hired an architect for the project. Staff is recommending a second amended order of non-compliance with a hearing to impose fine scheduled for April 18, 2018.

The respondent gave his name and address for the record. Mr. Morin said that he hired an architect and gave him a deposit. He said that he asked the architect how long it would take and he was told 30 days. The architect said that there is a lot of detail that will have to be put in. He said once he has that, that he can get everything he needs. Mr. Morin said that he has the permits for the septic, well and electrical.

Member Needham asked if there were any life-safety issues. Michael said that there is not.

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

CEB2017167-BEST & FINAL LLC

Posted

Complaint No. 20170323046

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)
Property Location: 4 Berkley Rd, Ormond Beach 32176

Parcel No. 322802000250 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

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

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

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Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. A permit was issued on August 14, 2017, and was valid until February 10, 2018. An extension was requested and granted; giving another 30 days. The permit expired March 10, 2018, without any activity. Another extension was requested and denied. Due to the case going on for a year, staff is requesting an order imposing fine/lien in the amount of \$50.00 per day, with a cap of \$21,800.00, to commence on April 19, 2018.

The representative gave his name and mailing address for the record. He said that they're waiting on the storm shutters; he said that the company has to back-order the materials. He said that he has a letter from the company, saying that they have been ordered but they don't know when they'll be in. He said that's why he requested a second extension on the permit.

Chair Lingenfelter asked if it was his firm that pulled the permit in August of 2017. The contractor said that it was.

Member Needham asked what has happened since August. The representative said that he installed windows without a permit. The representative said that he got an engineer out to verify that they were installed correctly. The representative explained what the engineer found and that they had hired a company to back-order the materials. He said that's the holdup currently.

Member Zahn commented that the windows were impact. The representative confirmed that observation.

Member Needham asked if the way the way that the issue is being approached. Margaret said it should be fine, so long as hurricane shutters are installed. She said that the reason that Kerry Leuzinger, Chief Building Official, denied the second request, is that it's been going on too long.

The board discussed how long ago, the materials had been ordered.

Chair Lingenfelter asked if staff would be able to extend the permit. Kerry Leuzinger, Chief Building Official, said that they will extend the permit after this hearing.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day with a**

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cap of \$21,800.00 to begin on May 17, 2018. After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017175-ALLARD VALERIE

Posted

Complaint No. 20141014023

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

Property Location: 1191 Lemon Bluff Rd, Osteen 32764

Parcel No. 922805000030

Zoning: R-5

Building Compliance Officer – Beverly J Abrahamson

Property owner was first notified of the violation on Oct 30, 2014

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

On Friday, March 16, 2018, the respondents came into the permit center and submitted permit applications for the swimming pool, screen enclosure, wood deck and the cabana/gazebo. They submitted as-built drawings and the applications are now going through the review process. The respondents told Beverly that they have sold the shed. Someone from out-of-town is coming in; they will disassemble it and remove it within the next couple weeks. Staff is recommending a third amended order of non-compliance with a hearing to impose fine set for May 16, 2018.

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

CEB2017180-GREEN KENNETH R & LINDA M COREY

Served

Complaint No. 20170328024

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 Living in RV or RV connected to water, sewer or electric lines, where not permitted

Property Location: 1016 June Ter, Daytona Beach 32119

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Parcel No. 53410600040

Zoning: MH-1

Zoning Compliance Officer - Michael Mazzola

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

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

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Michael said that the case involves living in an R.V. He said that they moved out. Michael said that he's conducted site inspections and talked to neighbors and that they have said that Charlene has moved out. The R.V. has no tags and there is still a junkyard. Michael said that he went by the property the day before and there is still a junkyard and the R.V. still has no tags. He said that he did not see the waste line there and that the electrical has been removed.

Member Zahn asked if that meant that the first case was in compliance. Michael said that the living in the R.V. case is in compliance.

Staff is recommending a fine of \$50.00 per day, per case, not to exceed \$1,900.00 per case; \$3,800.00 total. The fine would commence on March 21, 2018.

Charlene Town and Jane Gowing gave their names and addresses for the record. Ms. Town said that she had a man come over and he did the lawn. She said that she had pictures. She said that the pictures were from March 6, 2018 at 2:58 p.m. She said that there is no junk and debris in the yard. She said that she has several pictures that were sent to her, after the man took care of the lawn.

Member Needham asked about the junkyard. Ms. Town said that it is all gone. The board asked that Ms. Town put the pictures up on the projector.

Member Wright asked Michael when he had been to the property last. Michael said that he had been yesterday. He said that there had been a refrigerator in the back and some junk on the ground.

Member Needham asked if that was the only thing that Michael saw. Michael said that the R.V was still there.

Member Zahn said then there was just minor junk that needed to be picked up. Michael said yes. The board looked at the pictures that Ms. Town provided and discussed whether and amended order or an order imposing fine/lien would be the best course of action.

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Ms. Town discussed the washing machine that had been on the property since 2001. She said that she doesn't have a vehicle but that the gentleman that brought her to the hearing does; she said that he has offered to help her.

The board asked Ms. Town when the property might be cleaned up and the R.V. tagged. She said that she has had, to save her money for taxes this year and that she doesn't have extra.

Russ Brown, Assistant County Attorney, asked Ms. Town if she had filed the Quitclaim Deed for the property with the Volusia County Clerk of Court.

Ms. Town said that they didn't get it there yet. Mr. Brown said so you're still not the property owner. He asked when she envisioned that she might file the Quitclaim Deed.

Ms. Town said that she could be here tomorrow. Mr. Brown explained that she would need to file it with the Clerk of the Court. Ms. Town explained to Mr. Brown, what had been explained to her in regard to having the Quitclaim Deed recorded. Mr. Brown specified that the deed must be recorded to show ownership.

Ms. Town said that a neighbor took some of her belongings and put them in his yard. She said that she asked about them and was told by the neighbor that they were put out by the road and he put them in his yard to return to her. She said that she didn't know if he put everything back.

Member Needham asked about the R.V. Ms. Town said that she wants to sell the R.V.

The board discussed how Ms. Town could get the R.V transferred to her name and then sell it. Chair Lingenfelter reiterated that Ms. Town could not sell the R.V until it is in her name.

Mr. Brown asked Michael if he posted the property for the March 21, 2018 hearing. Michael said that he did.

Member Zahn asked what they would do with the first case since it's in compliance. Charles Cino, Board Attorney, said that they would make a motion to find the case in compliance.

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

CEB2017181-GREEN KENNETH R & LINDA M COREY

Served

Complaint No. 20170328029

March 21, 2018

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: 1016 June Ter, Daytona Beach 32119

Parcel No. 534106000040 Zoning: MH-1

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jul 05, 2017

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

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-287 (B).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017184-GREEN KENNETH R & LINDA M COREY

Served

Complaint No. 20170328026

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

Property Location: 1016 June Ter, Daytona Beach 32119

Parcel No. 534106000040 Zoning: MH-1

Zoning Compliance Officer - Michael Mazzola

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

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

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Needham
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SECONDED the motion, it **CARRIED** unanimously by voice vote.

CEB2017198-LIVELY MARIA JO & ANGELA S

Served

Complaint No. 20170227044

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). (New mobile home)

Property Location: 300 Uranus Tr, Osteen 32764

Parcel No. 921700000032

Zoning: ORE

Building Compliance Officer - Beverly J Abrahamson

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

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

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

*2nd Amended Order of Non-Compliance issued at the January 17, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case. An application for a permit was submitted on January 16, 2018, for replacing the mobile home. It's in a ready-issue status as of March 8, 2018. Staff is recommending a third amended order of non-compliance with a hearing to impose fine set for April 18, 2018.

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

CEB2017234-AKTAR RINA

Served

Complaint No. 20161229036

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

Property Location: 1307 Derbyshire Rd, Suite 1/2, Daytona Beach 32117

Parcel No. 424219380060

Zoning: R-5

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Jan 03, 2017

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

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

Hearing to Impose Fine/Lien

March 21, 2018

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case. An application for a permit was submitted on March 13, 2018 and is going through the review process at this time. Staff recommends a second amended order of non-compliance with a hearing to impose fine set for May 16, 2018.

The respondent gave his name and address for the record. The contractor explained when they submitted paperwork for the permits. He explained that the permit is going through plan review now.

Chair Lingenfelter asked if 60 days was enough time. The contractor said yes because the work is done. He said it's just a matter of the permit and the inspections. It was decided that 60 days would be sufficient.

The contractor stated that the affidavit and drawings were submitted already.

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

CEB2017239-ANDERSON RUTH S

Served

Complaint No. 20170208035

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

Property Location: 18 Sunny Shore Dr, Ormond Beach 32176

Parcel No. 420306001250

Zoning: R-4

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Feb 17, 2017

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

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

*2nd Amended Order of Non-Compliance issued at the January 17, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case. A permit has been issued and is valid until August 26, 2018. Staff is recommending a third amended order of non-

March 21, 2018

compliance with a hearing to impose fine set for September 19, 2018.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an Third Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the September 19, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017254-VASILIADES MARK TR & VASILIADES LIVING TR

Served

Complaint No. 20170809022

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). Including but not limited to exposed wiring, ceiling damage, roof damage

Property Location: 3 Briggs Dr, Ormond Beach 32176

Parcel No. 322803000030

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Margaret said that she's been speaking to Jane Vasiliades about the condition of the property and she said that they had just gotten back from Jacksonville. Ms. Vasiliades had been there for 3 months because her husband had some serious health issues. She said that there had been a car accident.

Ms. Vasiliades had put the house up for sale and that she had been there on March 5, 2018. She said that she sent a buyer pictures. Ms. Vasiliades is requesting more time to get the property sold. Staff is requesting a second amended order of non-compliance, with a hearing to impose fine scheduled for May 16, 2018.

The board looked at the pictures from Margaret's presentation. Member Zahn asked if the house was vacant. She said that it was.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the May 16, 2018 hearing for Violating Volusia County Code of**

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Ordinances, Chapter 58 Article I Section 58-3. After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017273-BIER GREGORY R

Served

Complaint No. 20170801016

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: 610 Cypress Av, Orange City 32763

Parcel No. 800900000350

Zoning: A-3

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Aug 03, 2017

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Michael explained the pictures in his presentation to the board. He said that Mr. Bier has added more junk to it, as of his last inspection on February 22, 2018. Staff recommends an order imposing fine/lien with a fine of \$50.00 per day, per case to commence on April 19, 2018, with a cap of \$10,200.00 per case.

After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day with a cap of \$10,200.00 to begin on April 19, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017274-BIER GREGORY R

Served

Complaint No. 20170801018

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

Property Location: 610 Cypress Av, Orange City 32763

Parcel No. 800900000350

Zoning: A-3

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Aug 03, 2017

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

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Michael Mazzola, Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day with a cap of \$10,200.00 to begin on April 19, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017275-BIER GREGORY R

Served

Complaint No. 20170801019

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

Property Location: 610 Cypress Av, Orange City 32763

Parcel No. 800900000350 Zoning: A-3

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Aug 03, 2017

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day with a cap of \$10,200.00 to begin on April 19, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017375-HOMETOWN HOUSING

Served

Complaint No. 20160418044

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

Property Location: 251 Evergreen Ter, Deland 32724

Parcel No. 603812000450 Zoning: MH-5

Zoning Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on Apr 23, 2016

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

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Christopher Hooper, Compliance Officer, presented the case. The owner of Hometown Housing has been working to clean up the property. Christopher said that there's not nearly as many items as there was before. He said that he's tried several times to meet with the tenant but has not been able to. Christopher decided to give him more time, because from what he can see, there has been improvements.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017352-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016008

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. (Several abandoned vehicles along with a dilapidated lean-to and an RV

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. There has been no permits applied for to date. The R.V. is gone, but other than that, the site and conditions remain unchanged. Staff is recommending an order imposing fine/lien with a fine of \$50.00 per day, per case, with a cap of \$1,500.00 per case.

Chair Lingenfelter said that even though the R.V. is gone, there are still other abandoned vehicles. Margaret said that is correct.

The respondent gave his name and address for the record. I have a mobile home place and I've paid them. I don't know if they've applied for a permit yet, but they're a reputable company. They had to come out and make sure that the septic tank is the proper one for a mobile home. They confirmed that it is the proper one. Mr. Crabtree said that there was a mobile home there before; he said that the fence was there from before. He said that the
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fence might need to be done a little better. He said that he hired a company to do the work. The respondent said that they're just getting ready to set the dirt, so that the double-wide mobile home can be set on there.

Mr. Crabtree said that the reason that he hasn't done any work to the property, is that no one would give him a permit. He said that he's planning to move onto this land. He said that when he bought the mobile home that they were supposed to install it. The respondent said that they wouldn't come and do it because it is so hard to get a permit in Volusia County.

Mr. Crabtree said that he hired a survey company last year, and they just dropped it off because they wouldn't work in this county. He said that they tried to get permits all the way from last year. The respondent said that the company didn't want to leave it in a mobile home park, so they just left it on the property. He said that the surveying company finally finished the work in November and by then, he already had a notice.

Mr. Crabtree said that he's not planning to leave the property like this; he said that he's planning to remodel it. He said that there's also a concrete building that his dad didn't permit and he plans on getting that out of there. Another thing, he said, is that some of the cars out there don't have titles and that he's had to apply for them. He said that he can't just take the cars somewhere and illegally junk them. He said that he's a registered dealer and he can't do that.

Mr. Crabtree said that he didn't know the work involved, until he got rid of the R.V. He said someone just put the R.V. on the property.

He said that when he left the last hearing that he was told you can't work on your own property.

Chair Lingenfelter asked if Mr. Crabtree had anywhere to put the vehicles. He said that he could put them on his other property, but that they're going to be gone. He said that they're going to get permits and put that building back up. He said it's going to look like part of the house. He said that they have to add more dirt because the mobile home is a little bigger than the previous one.

Member Needham asked Mr. Crabtree when he thought he could get this all taken care of. Mr. Crabtree said that he thought the middle of summer. Member Needham asked about the cars and the fence. Mr. Crabtree said that he didn't know if he needed to retain an attorney because he doesn't know what they want him to do with the fence.

Member Needham said that he'd have to figure that out; he asked how long it would take to completely take care of the problem.

Mr. Crabtree said at least 60 days, if they get back to us. He asked the board if that was
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okay.

Member Zahn said that you could get a lot done in 60 days. Member Zahn listed what Mr. Crabtree would need to do, to bring the property into compliance. Member Zahn said that 60 days was enough time to accomplish things. He said that if Mr. Crabtree came back and it was 90% done, they'd be happy with that.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the May 16, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-277 (C).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017353-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016009

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: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, 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 Hearing to Impose Fine/Lien to be scheduled for the May 16, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-282.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017354-CRABTREE RANDY HOWARD

Posted

Complaint No. 20171016007

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).

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(Double wide mobile home without permits)
Property Location: 303 N Janice Ln, Ormond Beach 32174
Parcel No. 412404000010 Zoning: MH-4A
Zoning Compliance Officer - Margaret Godfrey
Property owner was first notified of the violation on Oct 20, 2017
*Order of Non-Compliance issued at the January 17, 2018 hearing:
Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, 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 Hearing to Impose Fine/Lien to be scheduled for the May 16, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

Hearings and Presentation of Filed Notices of Violations

CEB2017292-MORRIS FRANK JAMES

Posted

Complaint No. 20170818038

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). Roof is not being maintained; has remnants of tarps on the roof

Property Location: 135 Scenic Magnolia Dr, Deland 32724

Parcel No. 603814000070 Zoning: R-3A

Zoning Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on September 22, 2017

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. A complaint came in for an improperly maintained structure on August 18, 2017. He said that he went out and inspected the property and found tarps on the roof. He said that some of the tarps looked like rugs and was unsure of what they were exactly. He sent a notice of violation on August 29, 2017 and it came back undeliverable. He posted the notice of violation on September 22, 2017. He said that he received no response. He sent the notice of hearing on October 12, 2017 and it came back undeliverable. He said that he posted the notice of hearing on October 19, 2017.

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Christopher said that when he did that he talked to a neighbor. The neighbor stated that the owner of the property is in a nursing home. Christopher said that he was told that the property owner was not doing very well. He said that is the only communication that he's had. Christopher said that he does know through research, that there is a pending Lis Pendens but we wanted to just go ahead and find it in non-compliance for the time being, so that we can have it on the books. Staff recommends a finding of non-compliance, with a compliance date of April 2, 2018.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of April 2, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the September 19, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017321-WILSON JAMES ROGER

Served

Complaint No. 20170530031

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (E) Parking motor vehicle(s) on front yard, other than on driveway

Property Location: 1204 Leon Ln, Daytona Beach 32117

Parcel No. 523705000160

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jun 02, 2017

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On May 10, 2017, staff received a complaint about several A.C. units piled up on the property. On May 26, 2017, an onsite inspection confirmed the violation and it was also noted, that there were vehicles parked on the front and side yard. On June 2, 2017, certified notices of violation were received.

On June 12, 2017, staff received a call from Kim Wilson, who was working on the issues and requested more time. She was given 60 days. On October 30, 2017, an inspection showed that the site and conditions remained unchanged. On November 2, 2017, certified notice of hearing was received and signed for by Kim Wilson.

An inspection on January 2, 2018, showed that the van and some of the A.C. units were gone. The Jeep was still there. On March 6, 2018, a site inspection showed that the Jeep was still parked on the front-side yard. All of the A.C units were gone. Staff is recommending an order of non-compliance and an order of dismissal for the junkyard case March 21, 2018

because the property was cleaned up, but not during the correction period. An order of non-compliance, with a compliance date of April 4, 2018 and a hearing to impose fine scheduled for April 18, 2018 for parking the Jeep on the front lawn.

Member Needham asked if Margaret had talked to the property owner and if there was some reason as to why, the Jeep has not been moved. Margaret said that it hasn't moved at all; she said every time that she's there it's parked in the same spot. She said that its tagged and appears operable.

Margaret showed the board her pictures from the property.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an Order of Non-Compliance with a compliance date of April 4, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-287 (E).** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017322-WILSON JAMES ROGER

Served

Complaint No. 20170530039

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

Property Location: 1204 Leon Ln, Daytona Beach 32117

Parcel No. 523705000160 Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jun 02, 2017

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an Order of Non-Compliance and an Order of Dismissal; recognizing that at the present time that the violation has been rectified.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017370-PARSONS HARRY

Served

Complaint No. 20171012020

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-283 Violation of home occupation regulations, specifically workers coming and going

Property Location: 1428 Jackson Av, Daytona Beach 32117

Parcel No. 423301030200 Zoning: R-4

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Zoning Compliance Officer - Margaret Godfrey

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

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On October 6, 2017, staff received a complaint about a business where not permitted and vehicles parked all over the yard. Research showed that there is a BTR issued for the Family Pressure Cleaning Service LLC, but the property is zoned R-4. The BTR can only be for Class-A home office only. The original complaint is that employees are coming and going. An onsite inspection on October 10, 2017 confirmed the violations. On October 13, 2017, a certified notice of violation was received and signed for.

On November 17, 2017, the property was posted with the notice of hearing and the certified notice of hearing was received and signed for on November 18, 2017. Margaret said that she's had conversations with Mr. Parsons, who stated that he has spoken with the tenants about the notices and the vans. Margaret said that the vans serve as a rolling sign, due to the fact that they advertise the business. She showed the board where the vehicles are parked and said that they could be parked along the driveway, if mulch or gravel it would be okay. Mr. Parsons told Margaret that he had done it, but it's kind of sunk into the ground. Staff is recommending an order of non-compliance, with a compliance date of April 4, 2018 and a hearing to impose fine scheduled for April 18, 2018.

The respondent gave his name and address for the record. Mr. Parsons said that he requested that his tenant write a statement and sign it saying that he does not have employees coming to the house. He said that he thought it was more the neighbor next door that owns a tree company. Mr. Parsons provided the statement to the board, along with the business card of the tenant.

Meghan Lindsey, Code Enforcement Board Clerk, made a copy of the statement and she included it in the file as an exhibit provided by the respondent.

Mr. Parsons said that the tenant removed the signs and he provided a picture that he had taken on his phone. The board put the picture on the projector.

Chair Lingenfelter explained that there would still need to be a follow-up inspection. Margaret talked with Mr. Parsons about what he could put along the driveway, to bring the property into compliance. They also discussed the proper setbacks, which would be required. Mr. Parsons explained how close that the properties were to each other.

Member Zahn said that's a zoning requirement. He said that a couple stakes would have to be put up to delineate where the property line is and then come five feet off of that. Whether he's in compliance or not isn't an issue, it's you. So if you can't come into
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compliance with that five foot separation then you can't use that side yard for parking.

Mr. Parsons said that he told his tenants that every time they come home, they must remove the magnetic signs from the vans.

Mr. Parsons further discussed the statement that he provided with the board. Chair Lingenfelter explained staff's recommendation to Mr. Parsons. He asked if Mr. Parsons could have compliance from his tenants by April 4, 2018. Mr. Parsons said that he could. Chair Lingenfelter explained what Mr. Parsons would need to do by April 4, 2018 to obtain compliance. Margaret asked Mr. Parsons to e-mail the picture of the vans to mlindsey@volusia.org.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance and an Order of Dismissal; recognizing that at the present time that the violation has been rectified.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017371-PARSONS HARRY

Served

Complaint No. 20171012025

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (E) Parking motor vehicle(s) on front yard, other than on driveway

Property Location: 1428 Jackson Av, Daytona Beach 32117

Parcel No. 423301030200 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

The respondent was present for the hearing.

Margaret Godfrey, 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 4, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (E).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017387-LHD GRAINGER LLC DUSZNY S TR

Posted

Complaint No. 20171009019

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

Property Location: 1311 Avenue D , Ormond Beach 32174

Parcel No. 422901120090

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

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

*The Board continued this case from the February 21, 2018 hearing:

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On October 4, 2017, staff received a complaint about a mobile home that has a roof caving in and a big hole in the back of it. On October 9, 2017, an onsite inspection confirmed the violation. On November 7th, staff researched the company and called the numbers that were found and left messages. On November 7th, a representative from the company names Sean, called Margaret back. She explained the situation to Sean; Sean said that the property had been secured. He also asked if he removed the mobile home, would it cure the violation. Margaret said yes.

On November 13, 2017, the property was posted, as the notice of violation came back unclaimed. On December 7, 2017, the notice of hearing was signed for. On February 21, 2018, the board continued the case to give proper notice to the new owner. Margaret said it's still the same guy, but he went from LHD Grainger LLC to Duszny S Tr. She posted the property on February 28th with the notice of hearing. There have been no permit applications to date, and the site and conditions remain the same. Staff is recommending and order of non-compliance and an order of dismissal, as this case will be referred to the CLCA.

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

CEB2017389-MESICK WILLIAM E TR

Served

Complaint No. 20171026030

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (E) Parking motor vehicle(s) on front yard, other than on driveway

Property Location: 1448 Flomich St, Daytona Beach 32117

Parcel No. 423301020240

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Nov 03, 2017

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The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On October 18, 2017, staff received a complaint about vehicles being parked on the front yard. An onsite inspection on October 26, 2017, confirmed the violations. On November 3, 2017, the certified notice of violation were received and signed for by Mr. Mesick. On November 28, 2017, staff received another complaint about the vehicles. On December 18, 2017, the certified notice of hearing was received by Mr. Mesick.

Mr. Mesick had come into the office and explained that his tenant had moved the vehicles. All of the vehicles are tagged an operative. At one point, the vehicles were all gone, but as of March 9, 2018 the vehicles were back. Staff is recommending an order of non-compliance, with a compliance date of April 4, 2018 and a hearing to impose fine scheduled for April 18, 2018.

Member Needham asked if the vehicles that were back were the same vehicles. Margaret said that they are. Margaret explained that they're drivable. She said that they use them, but that they just come and go.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of April 4, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (E).** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017408-REIDY MARGARET E

Posted

Complaint No. 20171101033

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

Property Location: 1120 Avenue F, Ormond Beach 32174

Parcel No. 422901140150

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

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

THIS CASE WAS CONTINUED BY THE BOARD.

CEB2017430- FLETCHER NORMAN E & RUTH ANN

Posted

Complaint No: 20170831007

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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). (Shed without a permit.)

Property Location: 1121 Clark Bay Rd, Deland 32724

Parcel No. 6106-01-00-0270 Zoning: FRA, RCA

Zoning Compliance Officer – Christopher R Hooper

Property owner was first notified of the violation on September 1, 2017

The respondent was present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. On June 12, 2017, staff received a complaint for shed without permit. He went out and inspected the site and left a door hanger on the door. Christopher received a call from Brian, who said he was going to come down and apply for a permit. Some time went by, and Christopher went out to inspect the property; he found that nothing had been done.

He sent a certified notice of violation on August 31, 2017 and it was signed for the next day. Christopher received a phone call from Brian on September 25th; Brian said that he had damage from the hurricane and he planned to tear the shed down. He said that he needed more time. Christopher received another phone call on October 24, 2017, stating that they'd had a fire at another location and needed some more time.

Christopher called Brian at the end of November and Brian told him that he was going to bulldoze the shed. When Christopher saw that nothing had happened, he sent out a notice of hearing on January 2, 2018; it was signed for on January 8, 2018. He also posted the property with the notice of hearing on January 22, 2018. Upon his last inspection on March 5, 2018, the site and conditions remain the same.

The respondents gave their names and address for the record. The respondent said that everything that Christopher said is correct. He said that timing was just bad. The house, not this one, the house that we live in did burn down and we had to find a place to live.

Member Needham asked if the respondent could have the violations brought into compliance by the April dates given. The respondent asked what the dates were and the board directed him to the PowerPoint presentation.

Chair Lingenfelter asked if they were going to permit the structure, or take it down. The respondent said that he bought half of it from a shed company, so he went and got the engineer pack for that and we're going to get the survey for the part that I built onto it. He said that he extended it a little bit.

Chair Lingenfelter explained the process needed to permit the structure.

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Member Needham asked Christopher is what was being proposed would work. Christopher said that it would but also remarked that the case had been going on for a long time. He said that staff would work with the respondents.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of May 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the May 16, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017433- FVS INVESTMENTS LLC

Posted

Complaint No: 20171013005

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Automobile, bicycle, boat, motorcycle, recreational vehicle, trailer, light and heavy truck sales, rental storage (not including salvage or junkyards) and/or service establishments where not permitted.

Property Location: 1445 E New York Av, Deland 32724

Parcel No. 7011-06-00-0050

Zoning: B-4CA

Zoning Compliance Officer – Christopher R Hooper

Property owner was first notified of the violation on November 7, 2017

The respondent was present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. The complaint was received on July 18, 2017, for vehicles on this property. He went to the property and confirmed the violation. The notice of violation was mailed out on October 13, 2017 and was returned undeliverable. He posted the notice of violation of November 13, 2017. A notice of hearing was sent on January 2, 2018, and it was returned undeliverable. Christopher posted the property with that notice on January 11, 2018.

Christopher inspected the property on March 5, 2018. He spoke with Frank Stalzer, the property owner who has moved some vehicles off the property, but based on the zoning the storage of vehicles is not allowed. Christopher said that Mr. Stalzer informed him that he is not operating or residing in the building at this time, so it's storage.

Mr. Stalzer asked if he had an active business would it be allowed. Christopher said if you have an active business, business tax receipt and you'd have to apply to change the zoning. Storing the vehicles is allowed in B-5 zoning.

Chair Lingenfelter said sales is allowed by not storage.

The respondent gave his name and address for the record. Mr. Stalzer asked if he got his March 21, 2018

occupational license for the building, I could have my company vehicles there. Chair Lingenfelter said that is a technical question to discuss with staff; we're here to see if you're in violation of what's been presented. He said that is a possible remedy.

Mr. Stalzer asked the board for 60 days to clean up his property.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of May 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the May 16, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018009-HEINZE JORDAN Z

Posted

Complaint No. 20171017011

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

Property Location: 1480 2nd St, Orange City 32763

Parcel No. 800401610390

Zoning: R-4

Zoning Compliance Officer - Michael Mazzola

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

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. What we have here is a junkyard and an unmaintained structure. On October 11, 2017, the violations were confirmed. Michael spoke with a neighbor who told him that the tenants just left and have not returned. He also said he is cleaning up the property. On October 17, 2017, a certified notice of violation was sent. On October 25, 2017, the violations were returned, unclaimed; Michael posted the property with the violations the next day.

On January 5, 2018, Michael inspected the property. On January 23, 2018, Michael posted the property with the notice of hearing. Staff recommendation is a finding of non-compliance, with a compliance date of April 4, 2018 and a hearing to impose fine scheduled for April 18, 2018.

Michael discussed the pictures in his presentation to the board.

Holly Hawkins gave her name and the phone number of John Furra, the representative of the noteholder. Ms. Hawkins works for a property preservation company, which was hired by the bank. She said that she went by the house to see what was going on with it. She said that the windows were boarded up and that property doesn't look like that condition

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now. She said that there is still debris, but the tires have been removed. She said all the windows that have been broken are boarded up.

Ms. Hawkins said that she has just been made aware of it. She said when someone doesn't pay their mortgage that the bank goes out and that's how we became aware of the violation. She said that they are asking for 30 days, to get it into compliance.

Russ Brown, Assistant County Attorney, asked if the property was going through the foreclosure process and if a Lis Pendens had been filed. Ms. Hawkins said that she's not too sure, as she just found out about this last night. She said that she would make the assumption that it has, since this has been going on since October; she said that she did not check the records at the Clerk of the Court. She said but as you know, the bank has the right to protect their interests. She said that the preservation crew will be out within the next week to clean it up.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of May 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the May 16, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018010-HEINZE JORDAN Z

Posted

Complaint No. 20171017009

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: 1480 2nd St, Orange City 32763

Parcel No. 800401610390 Zoning: R-4

Zoning Compliance Officer - Michael Mazzola

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

The respondent was present for the hearing.

Michael Mazzola, 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 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the May 16, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018013-MARTIN MARY M EST

Posted

Complaint No. 20170807003

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: 178 Douglas St, Edgewater 32141

Parcel No. 853809003410

Zoning: MH-5W

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on November 8, 2017

The respondent was not present for the hearing.

Debbie Zechnowitz, Compliance Officer, presented the case. This case involves an improperly maintained mobile home. The notice of violation was returned, unclaimed. The notice of violation was posted on November 8, 2017. The notice of hearing was posted at the site on March 1, 2018. There has been no contact with anyone. This property is vacant and the power is off. There is no evidence of probate being files; the taxes aren't paid. She checked the sales history and there isn't anything recorded. Staff is recommending a finding of non-compliance with an order of dismissal and referral to the CLCA.

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

CEB2018016- GUTIERREZ CONSTANCE

Posted

Complaint No: 20171120039

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

Property Location: 276 Evergreen Ter, Deland 32724

Parcel No. 6038-12-00-0110

Zoning: MH- 5A

Zoning Compliance Officer – Christopher R Hooper

Property owner was first notified of the violation on December 1, 2017

The respondent was present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. We received a complaint on November 15, 2017, for tarps on the roof. He went out an inspected it; the violations were confirmed. He sent out a certified notice of violation on November 20, 2017 and it was returned unclaimed. Christopher posted the property with the notice of violation, on December 1, 2017.

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Christopher said that he didn't see any change on site, so he referred it to code board. He sent out the notice of hearing on January 12, 2018 and it was signed for. He posted the property on January 16, 2018. On March 5, 2018, he re-inspected it; the site and conditions were the same.

On March 14, 2018, the owner called Christopher and said that she was going to try and get the roof repaired. She said that she had had trouble with the permit center previously, but was going to come down and remedy the situation.

The respondents gave their names and address for the record. Ms. Gutierrez said that the tarps are there because the roof is no good. A branch fell on the roof and made a hole in it. The respondents said that they were not living there. They said that friends put the tarps on the roof and it's been that way for two years. The respondent said that they were there to fix the roof the right way and see what options they have to fix it.

Chair Lingenfelter asked if it was a mobile home. The respondents said that it is. Chair Lingenfelter said that since they are not living in it, that the county will make them hire a roofer. Ms. Gutierrez explained what she was told at the permit center and what they were planning on doing to repair the roof.

The board discussed a timeframe for possible compliance. Ms. Gutierrez explained what she had been doing to work toward to compliance. She explained that she was having a hard time finding a roofer.

Kerry Leuzinger, Chief Building Official, explained that he understood that some people were having trouble finding a roofing contractors to do the work; he said that they would take that into consideration, when working with them.

Member Needham asked what a good time would be to bring the case before the board. Kerry said 30 or 60 days to see where they're at. Member Needham asked if they could give 60 days. Kerry said they would be fine with that.

Chair Lingenfelter explained what would need to be done in 60 days.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of May 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the May16, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018017- LOBBAN ONEIL C & WINSTON

Posted

****REPEAT VIOLATION****

Complaint No: 20180111053

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, 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: 2375 Iris Rd, Deland 32724

Parcel No. 7001-03-15-0220 Zoning: R-4A

Zoning Compliance Officer – Christopher R Hooper

Property was first notified of the violation on February 17, 2016

The respondent was present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. We had cars on the grass without plates and the case came before the board a couple years ago. The respondent was first notified of the violation on February 17, 2016; the compliance date was that same date. It was observed to be in compliance on April 20, 2016.

Christopher received a new complaint and he went out to inspect the property. He observed that some of the vehicles were parked incorrectly and some had no plates, on January 9, 2018. I met on site a couple of times with Oneil and explained to him where to move his cars and how to bring it in compliance.

On January 17, 2018, he did observe that the cars were parked properly. Staff is recommending a one-time fine of \$50.00 for the cars being parked improperly and \$150.00 for the vehicles without plates.

Christopher explained his pictures to the board. Member Smith asked if the \$150.00 was per car. Christopher said no, it's a one-time fine.

The respondent gave his name and address for the record. Mr. Lobban said that he works for the city and lives with his brothers and sisters. His said that one of his friends is a mechanic and they're here with no documents. He said they repair brakes on cars, just trying to make money. He said that he's at work and sometimes he has to leave work early to meet. Mr. Lobban said his mom and dad are also living there. He said if you look at this picture, my mom and dad are sitting out there.

He said that some of the cars don't have insurance and that people from the islands; that's not really legal in this country. He said we do little things just to get by. He said we're doing our best, and if give us another month or so everything will look better than what it is right now.

Chair Lingenfelter asked what Mr. Lobban has told his friends and family about the amount
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of cars. Mr. Lobban said he works, but he does talk to them. He said it is what it is right now, but we are working on it, to make it better than it is now.

Chair Lingenfelter explained that Mr. Lobban is ultimately responsible for it and the fines. Mr. Lobban said that he understood.

Member Needham made sure that Mr. Lobban understood that he is a repeat violator. Mr. Lobban said that he wanted to put a fence up. He said that he went to get a permit, but he needed to get a survey.

Member Zahn asked if the untagged vehicles could be tagged. Mr. Lobban explained how he could get the cars tagged. Member Zahn said a survey and a fence, costs a lot more than to get a vehicle tagged. He said it's fast and inexpensive in the grand scheme of things. He explained where Mr. Lobban could move the cars to bring the property into compliance. Member Zahn acknowledged that Mr. Lobban is currently, in compliance; he explained how the respondent could remain that way.

Member Zahn asked if it would be okay if they dropped the fines to \$25.00 each, \$50.00 total. He said don't expect that kind of generosity if it comes back in here.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance and an Order of Dismissal; recognizing that at the present time that the violation is in compliance. Because the respondent is a Repeat Violator, the board further ordered, a onetime fine in the amount of \$25.00; to be paid within 30 days of this hearing** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018018- LOBBAN ONEIL C & WINSTON

Posted

****REPEAT VIOLATION****

Complaint No: 20180111054

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 72 ARTICLE II DIVISION 8, SECTION 72-287 (E) Parking motor vehicle(s) on front yard, other than on driveway.

Property Location: 2375 Iris Rd, Deland 32724

Parcel No. 7001-03-15-0220 Zoning: R-4A

Zoning Compliance Officer – Christopher R Hooper

Property was first notified of the violation on February 17, 2016

The respondent was present for the hearing.

Christopher Hooper, Compliance Officer, presented the case.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance and an Order of Dismissal; recognizing that at the present time that the violation is in compliance. Because the respondent is a Repeat Violator, the board further ordered, a onetime fine in the amount of \$25.00; to be paid within 30 days of this hearing** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018019- 2001 OLD NEW YORK LLC

Posted

Complaint No: 20170810007

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, 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. 7913-01-00-0040

Zoning: A-3

Zoning Compliance Officer – Michael Mazzola

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

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. As you can see from the pictures, vehicles are being stored on the lot. Michael explained the pictures and the direction that he took the pictures from. He said that he posted the property with the notice of hearing. On August 1, 2017, Michael spoke with the tenant. She said that two untagged white vans are in her yard and there are more untagged cars behind the fence.

The certified notice of violation was received on August 25, 2017. On October 19, 2017, Michael did an inspection; the fence was falling down and the cars were more visible from the street.

On November 6, 2017, Michael spoke with Mr. Guess and he said that he would remove the two vans by the end of November and that he would remove the rest of the cars, as soon as possible. On January 12, 2018, Michael spoke with the tenant and she said the vans were removed at the end of December. The certified notice of hearing was received on January 23, 2018. On that same day, Michael spoke with Stephanie Riley, the property owner's representative; she said that the cars are stored on the property for used cars. On January 24, 2018, Michael posted the property with the notice of hearing. Staff recommends a finding of non-compliance, with a compliance date of April 4, 2018 and a hearing to impose fine scheduled for April 18, 2018.

Michael explained to Member Needham, that they have a used car lot and those parts could be used for the used cars; based on a conversation that he had with Ms. Riley. Michael said that he explained to her, that the cars had to be removed.

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The owner's representative gave her name and address for the record. She gave information on behalf of the property owner. She said that she got thrown into this property and that she has never met Michael. Ms. Riley said that she was told by Greg that, Michael told him that the vans must be removed. She said the next thing that she knew, there were violations posted on the property for all the other vehicles. She said there are vehicles there. Ms. Riley explained that the owner is a hoarder and that he treats the lot as an overflow lot. She told him that he has to move them.

She said that she's assuming that the vehicles will be moved. Ms. Riley explained that the owner's father just died and that she's trying to take care of another property, as well as this one.

The board asked if cars from 464 Spring Garden were being moved onto this property. Ms. Riley said they were not. She said when we have space, we move cars from this property to 464 Spring Garden, to be sent out and fixed.

Charles Cino, Board Attorney, asked if cars were being moved back and forth between properties, there may be a conflict. Member Zahn said that there shouldn't be, since they each had a different parcel number. Ms. Riley said this property was purchased in 1981 for storing cars. She said that it is a couple miles away from the other property.

Member Zahn said he didn't think this was a conflict, because he doesn't know anything about it. He clarified the zoning of the property and explained that the property could never come into compliance because storing cars is not allowed. Member Zahn asked how many cars are on the property. Ms. Riley said about 50.

Ms. Riley said that he's been moving the cars and then his father went into Hospice. Ms. Riley said that he's not allowed to buy anything else.

Member Zahn asked what staff would think about a six month timeframe with a three month progress report. Michael said that would be fine.

Mr. Cino and Mr. Brown told Member Zahn that he should not vote due to a possible conflict.

Pete Zahn did not vote however, the outcome of the vote did not change, because there was a quorum and the vote was unanimous.

Based on the evidence and testimony provided, Member Smith **MOVED to issue an Order of Non-Compliance with a compliance date of September 12, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the September 19, 2018 hearing for Violating**

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Volusia County Code of Ordinances, Chapter 118 Section 118.34. The board further ordered, that the respondent provide a progress report on June 20, 2018. After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018035- 2001 OLD NEW YORK LLC

Posted

Complaint No: 20180124008

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 72 ARTICLE II DIVISION 7, SECTION 72-241 The storage of operable automobiles for the purpose of holding the vehicles for sale, distribution or storage.

Property Location: 2001 Old New York Av, Deland 32720

Parcel No. 7913-01-00-0040 Zoning: A-3

Zoning Compliance Officer – Michael Mazzola

Property owner was first notified of the violation on January 24, 2018

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

Pete Zahn did not vote however, the outcome of the vote did not change, because there was a quorum and the vote was unanimous.

Based on the evidence and testimony provided, Member Smith **MOVED to issue an Order of Non-Compliance with a compliance date of September 12, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the September 19, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241. The board further ordered, that the respondent provide a progress report on June 20, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018027- FITZGERALD DONNA & SCOTT

Posted

Complaint No: 20171229051

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, 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: 1625 E. New York Av Deland 32724

Parcel No. 6026-01-00-2070 Zoning: A-3 CA, B-4 CA

Zoning Compliance Officer – Christopher R Hooper

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

THIS CASE WAS WITHDRAWN

March 21, 2018

CEB2018024- SANFORD PROPERTIES LLC

Posted

Complaint No: 20171101024

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 Vehicle(s) that is inoperative and/or without current state license tag.

Parcel No. 8023-03-00-0300 Zoning: R-4

Zoning Compliance Officer – Michael Mazzola

Property owner was first notified of the violation on November 4, 2017

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. On October 31, 2017, Michael did an inspection and found a junkyard and a car without tags. On November 11, 2017, a certified notice of violation was sent; they were received on November 16, 2017. On January 16, 2018, a certified notice of hearing was sent. On January 23, 2018, the property was posted with the notice of hearing. On January 24, 2018, the notice of hearing was received and signed for by Sanford Properties LLC.

On March 5, 2018, Michael spoke with Carolyn from Sanford Properties LLC. She said that the property is cleaned up and the cars are tagged and running. On March 6, 2018, Michael did an inspection and found a car in the backyard, with no tires and a stack of tires. He called Carolyn but she never returned his call. Staff recommends a finding of non-compliance, with a compliance date of April 4, 2018 and a hearing to impose fine scheduled for April 18, 2018.

Mr. Cino asked that that the agenda reflect the address, 2250 S.E 2nd St. Orange City, as it was not included in the case information.

Richard Thomson, the tenant gave his name and address for the record. Mr. Thomson said that everything has been removed. When Carolyn called and said that everything has been removed there was a car in the backyard and it had tires on it. He said that he was under the understanding that anything in the back and side yard was within the ordinance. Mr. Thomson said that the car and the stack of tires has been removed from the property.

Chair Lingenfelter asked if Mr. Thomson would have any problem with the April 4th compliance date. Mr. Thomson said that he had pictures on his phone that he had taken the previous afternoon.

Member Needham asked if the junkyard had been taken care of. Michael said that the junkyard was the tires.

Member Zahn said that we could go out and do an inspection tomorrow, and if everything is as you say then get an Order of Non-Compliance.

March 21, 2018

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of April 4, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018025- SANFORD PROPERTIES LLC

Posted

Complaint No: 20171101028

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

Parcel No. 8023-03-00-0300 Zoning: R-4

Zoning Compliance Officer – Michael Mazzola

Property owner was first notified of the violation on November 4, 2017

The respondent was not present for the hearing.

Michael Mazzola, 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 4, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018106- ORANGE CITY REALTY LLC

Served

Complaint No: 20180103004

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 72 ARTICLE II DIVISION 7, SECTION 72-241 SECTION 72-241 Use or activity where not authorized or zoned.

Parcel No. 801409020020 Zoning: PUD

Zoning Compliance Officer – Michael Mazzola

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

THE BOARD CONTINUED THIS CASE

CEB2018044- JACOBS ROBERT

Posted

Complaint No: 20170817026

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, HEALTH & SANITATION, SEC. 58-36: VIOLATIONS AND DECLARATION OF NUISANCE. ARTICLE

March 21, 2018

Il Grass/weeds in excess of 12 inches, yard trash, rubble, debris, and/or waste.

Property Location: 1035 N. Hill Av, Deland 32724

Parcel No. 7003-00-00-0160

Zoning: A-3A, RRA

Compliance Officer – Christopher R. Hooper

Property owner was first notified of the violation on October 30, 2017

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. The complaint was received on July 21, 2017, for the lot maintenance and the collapsed shed. The junkyard violation is from the collapsed shed and the debris from it. The certified notice of violation was sent on August 17, 2017 and it was returned undeliverable. Christopher hand-delivered the violation to the property owner on October 30, 2017. He explained to the owner what he needed to do to comply.

When asked if he was sure that he spoke to the owner, Christopher said that it could have been the tenant but he said he was the owner.

The certified notice of hearing, was sent out on January 25, 2018 and it was returned undeliverable. He posted the property with the notice of hearing on February 6, 2018. Christopher inspected the property on March 5, 2018. There are patches of tall weeds and a tree that has fallen and been down for a very long time.

Christopher went over his pictures and findings with the board.

Scott Buckingham gave his name and address for the record. He provided testimony as a witness. He said that Moody is the property owner's deceased wife. Mr. Buckingham said that Robert Jacobs is the only one that lives on the property.

Chair Lingenfelter asked Mr. Buckingham if there had been any progress on the property since July. Mr. Buckingham said that he keeps hauling in more stuff. He said that there is a burned down camper in the back that Mr. Jacobs has been living in. He said that it's been there for over a year.

Mr. Buckingham said that Mr. Jacobs removed the roof of the collapsed shed and attempted to replace it without permits. The house has hardly any windows in it; they've been broken out. Mr. Buckingham said that a friend told him that there is no toilet in the house. He said that the pictures don't do it any justice and that the property should be condemned.

Mr. Buckingham explained the history of the property and how Mr. Jacobs ended up with it. He further explained the disarray found on the property.

Member Needham asked Mr. Brown what the county could do in this situation.

March 21, 2018

Mr. Brown stated that we could contact the health department if there's a sanitation issue; if they don't have a toilet. He said that this is really no different from a dilapidated structure case. There's an access issue, as the owner has refused to allow Mr. Hooper further access to the property. Mr. Brown stated that if the evidence warrants, we could possibly seek an administrative search warrant under certain conditions. Today we can seek an order of non-compliance and with time dismiss and refer to the CLCA, if it meets the criteria for demolition.

Kerry Leuzinger, Chief Building Official, said based on Mr. Buckingham's testimony today, we will be taking a look at this property and see if it's in a condition that we would deem unsafe.

Chair Lingenfelter asked if in that case, the property would be boarded up thus preventing the property owner from living in it. Mr. Leuzinger said that we can't prevent him from occupying it. We'll post the property, saying that it's unsafe and do not enter but we cannot forcibly remove him from the property without a court order.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of April 2, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018045- JACOBS ROBERT

Posted

Complaint No: 20170829010

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

Property Location: 1035 N. Hill Av, Deland 32724

Parcel No. 700300000160

Zoning: A-3A, RRA

Zoning Compliance Officer – Christopher R Hooper

Property owner was first notified of the violation on October 30, 2017

The respondent was not present for the hearing.

Christopher Hooper, 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 4, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the April 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member March 21, 2018

Needham **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**

* * * * *

ADJOURNMENT

There being no further business to discuss before the Board, the meeting adjourned at 12:07 p.m.

Respectfully submitted,

Margaret C Godfrey
Acting Code Enforcement Board Clerk

March 21, 2018

CERTIFICATE

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

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

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

**Margaret C Godfrey
Acting Code Board Clerk**

March 21, 2018