



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

May 15, 2019

Chairman Chad Lingenfelter called the regularly scheduled, Code Enforcement Board Meeting to order at 9:00 a.m. in the County Council Chambers, Second Floor, Thomas C Kelly Administration

Building

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF PRESENT

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

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APPROVAL OF MINUTES

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Member Needham moved to APPROVE the March 20, 2019 and the April 17, 2019 Code Enforcement Board minutes. Member Leonard SECONDED the motion that CARRIED unanimously by voice vote.

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UNFINISHED BUSINESS

CEB2017175-ALLARD VALERIE

Hand-Delivered

Complaint No. 20141014023

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS

May 15, 2019

105.1 AND 110.1 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

Code Compliance Manager – Chris Hutchison

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:

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

*4th Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

*5th Amended Order of Non-Compliance issued at the July 18, 2018 hearing:

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

*A Report and Affidavit of Compliance was submitted with a compliance date of March 19, 2019:

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

CEB2018272-COURT OF PALMS ON THE BEACH

Posted

Complaint No. 20170525003

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

Property Location: 2790 Ocean Shore Blvd, Suite 8-N, Ormond Beach 32176

Parcel No. 322116000080

Zoning: R-6,RC

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on August 21, 2017

*Order of Non-Compliance issued at the August 15, 2018 hearing:

*1st Amended Order of Non-Compliance issued at the October 3, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the February 20, 2019 hearing:

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

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

CEB2018366-FREEHOLD PROPERTIES INC

Served

Complaint No. 20160720014

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

May 15, 2019

approval(s). (Several new structures)

Property Location: 2116 Poinsettia Dr, Port Orange 32128

Parcel No. 622201001100

Zoning: MH-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Sep 06, 2018

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of April 11, 2019:

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

CEB2019083-HERNANDEZ JOSE A

Posted

Complaint No. 20180810015

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

Property Location: 165 Birch Av, Orange City 32763

Parcel No. 801501000330

Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of April 29, 2019:

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

CEB2019084-HERNANDEZ JOSE A

Posted

Complaint No. 20190225010

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

Property Location: 165 Birch Av, Orange City 32763

Parcel No. 801501000330

Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of April 29, 2019:

Order of Compliance

May 15, 2019

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

CEB2018157-PARLOW JAMES TR LASSEIGNE DANIEL Served

Complaint No. 20171113016

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

Property Location: 700 E Minnesota Av, Orange City 32763

Parcel No. 800200000115 Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

*Order of Non-Compliance issued at the August 15, 2018 hearing:

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. Michael reminded the board that the case involved a shed and storage containers in the back. He showed the board his pictures. He showed the board his most recent picture and explained that nothing has changed on the property. Michael said that Mr. Lasseigne tried to apply for permits for a house, but it's still in plan review and nothings been done.

Member Leonard said so, he hasn't gotten any permits and nothing has been done.

Michael said nope, nothings been done. He said it's in plan review and we're waiting on him.

The Chairman said so his application for a single-family home, expired on May 5th.
Michael said yes.

The Chairman said and he didn't have a survey or a site plan.

Michael said nope.

The Chairman commented that an incomplete package was submitted.

Member Needham asked Michael, if there had been communication.

Michael said he called Mr. Lasseigne, but his voicemail is full. He said he can't leave a
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message because he only has his cell number.

The Chairman asked if there had been proper notice, due to the ownership change.

Michael said he posted the property.

Meghan Lindsey, Code Enforcement Board Clerk, said that Mr. Lasseigne was actually at the last meeting.

Michael said he was.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, not to exceed \$3,800.00, to begin on June 20, 2019.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018174-POTTER JANICE Q & BRIAN C

Served

Complaint No. 20171117018

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

Property Location: 679 Yale Rd, Deland 32724

Parcel No. 702801240170

Zoning: R-3

Code Compliance Officer - Michael Mazzola

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

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

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

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

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

*4th Amended Order of Non-Compliance issued at the March 20, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He said this is the one with the gazebo without a permit. He's waiting to get his survey done on the property and he's still in plan review. He said there was no final inspection.

The Chairman said and we had the electrical affidavit. He said it was a little too tall.

Mr. Potter said 16 inches.

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Mr. Potter gave his name and address for the record. He presented the board with a receipt for a survey. He said they were informed that they needed a survey, within two years to get a site plan. He said they were supposed to come out yesterday, but we didn't hear from them. He said the order is in and we do have a receipt. He explained his career situation and said that nothing would be going on for the next few months. He said that money is tight, at this time. He offered to pay a \$100.00 a month to this thing going.

The Chairman asked how long the structure had been standing.

Mr. Potter said 18 or 20 years.

The Chairman said we've had the electrical looked at, so it's just paperwork.

Mr. Potter said yes. He said it was a lot of money to get the variance going.

Mike Nelson, Building and Code Administration Director, asked Michael if there were any complaints on the property, at this time.

Michael said no.

Mr. Nelson said right, we don't have life/safety issues; we have someone working toward compliance.

Mr. Potter said the plans have been done and everything is in, it's just the variance that we have to do.

The Chairman said you're pursuing a variance for the height.

Mr. Potter said yes.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Fifth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the September 18, 2019 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.

CEB2018297-SPENCER ROBIN & CHARLES L FUTCH Posted

Complaint No. 20160613014

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

Property Location: 2048 Toni St, Ormond Beach 32174

May 15, 2019

Parcel No. 412402000320

Zoning: MH-4

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*2nd Amended Order of Non-Compliance issued at the March 20, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She showed the board a picture of the property, taken on April 25, 2019. Staff recommends a fine in the amount of \$100.00 per day, not to exceed \$5,000.00; to commence on June 20, 2019. Margaret said unless, Ms. Spencer has something to add.

The Chairman said so there was progress and it stopped.

Margaret said yes.

Robin Spencer gave her name and address for the record. She asked the board for 60 more days. She said she's tearing it apart. She said it has been hit or miss, but she has most of it down. She explained that she broke her shoulder, but she has people coming to help.

The Chairman said in the heat of the summer; are you sure you're going to be able to do it.

Ms. Spencer said yes.

Member Wild asked Ms. Spencer, if her intention was to take it down.

Ms. Spencer said her intention was to totally take it down. She said her son and nephew have taken most of the top down. She explained that the roof is still there. She said once that comes down, it will be pretty much clear, except for the 2X4s. She said as soon as she gets them down, people are coming and taking them.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day, not to exceed \$5,000.00, to begin on August 23, 2019.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018336-STOR-ALL KING ARTHUR LLC

Served

Complaint No. 20180305001

May 15, 2019

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

Property Location: 7050 Turtle mound Rd, New Smyrna Beach 32169

Parcel No. 850501550120

Zoning: R-9W

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Mar 16, 2018

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

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

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

*3rd Amended Order of Non-Compliance issued at the February 20, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said they now have a permit issued and it is valid until September 28, 2019. Staff recommends a fourth amended order of non-compliance, with a hearing to impose fine scheduled for October 16, 2019.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Fourth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018441-DECKER LAWRENCE E

Served

Complaint No. 20180828011

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

Property Location: 5906 John Anderson Hwy, Flagler Beach 32136

Parcel No. 324302030010

Zoning: C,RC,RPUD

Code Compliance Coordinator - Margaret Godfrey

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said they have made some progress. She pointed to her pictures and said a lot of that is gone. She said they do have a demolition permit that is valid, until June 1st. Staff recommends a

May 15, 2019

second amended order of non-compliance, with a hearing to impose fine scheduled for June 19, 2019.

She said the boat is for sale.

Member Leonard asked if the property is still vacant.

Margaret said that nobody has been there.

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 July 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Sections 72-241.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018442-DECKER LAWRENCE E

Served

Complaint No. 20180828012

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: 5906 John Anderson Hwy, Flagler Beach 32136

Parcel No. 324302030010

Zoning: C,RC,RPUD

Code Compliance Coordinator - Margaret Godfrey

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

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 July 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-287 (B).** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018444-DECKER LAWRENCE E

Served

Complaint No. 20180828013

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS

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105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s)

Property Location: 5906 John Anderson Hwy, Flagler Beach 32136

Parcel No. 324302030010

Zoning: C,RC,RPUD

Code Compliance Coordinator - Margaret Godfrey

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

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 July 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018455-SANCHEZ GAUDENCIO

Hand-Delivered

Complaint No. 20180830052

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

Property Location: 2514 Old New York Av, Deland 32720

Parcel No. 791304000080

Zoning: I-1

Code Compliance Officer - Christopher R. Hooper

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said Mr. Hooper is no longer with us, so this is my case now. She said there has been no change.

Mr. Nelson said Mr. Hooper changed jobs; he didn't pass.

Margaret said for clarification; he's not dead. She said there has been absolutely no May 15, 2019

change and Mr. Sanchez is still holding events. She said we're still getting complaints. Staff is recommending a fine in the amount of \$100.00 per day, with no cap; to commence on June 20, 2019.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day, to begin on June 20, 2019.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018505-WILMINGTON SAVINGS FUND SOCIETY FSB TR

Posted

Complaint No. 20181012029

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Garage that was converted into an apartment without permit(s) and/or inspection approval(s)

Property Location: 212 N Sheridan Av, Deland 32720

Parcel No. 700705000260

Zoning: R-4

Code Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on Oct 15, 2018

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said that staff had an issue with this property in the past; it had gone through foreclosure. Margaret said she just e-mailed Wilmington Savings Fund's representative Cathy. She said that she hasn't gotten a response yet. Staff recommends a first amended order with a hearing to impose fine scheduled for August 21, 2019. She said they are in the process, of evicting the occupants right now. She said they just began that at the end of April and it will take a little time.

Member Zahn said they could do an amended order for proper notification.

Margaret said they have been notified and Chris Hooper did have contact with them. She said now I'm letting them know that I've got it instead. She said she was just able to e-mail them this morning.

Member Leonard asked if Titan Group was still managing it.

Margaret said yes.

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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 August 21, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018507-US ALTERNATIVE LAB RESOURCES

Posted

Complaint No. 20181204016

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277 You have failed to observe the required setbacks.
(Pergola

Property Location: 121 Sand Dunes Dr, Ormond Beach 32176

Parcel No. 322118000030

Zoning: R-4

Code Compliance Officer - Robert Chayer

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. Robert explained that Ms. Palermino had gone to the Zoning Department for a variance and found out that it would be twice as much, than if she applied beforehand. He said she made the decision to take the pergola down. He showed the board, a picture that showed that the only thing left from the pergola, were two poles.

The Chairman asked if the poles were in violation.

Robert said yes, they're still part of the pergola.

Mr. Nelson noted that they are not totem poles.

Robert said no, they're no carvings on them that I'm aware of.

The Chairman asked if the violation was cured, or if the poles have to go.

Mr. Nelson said that he believes the interpretation from the Senior Zoning Official would be, these are in the setbacks and they have to go. He said that's not my interpretation; it's what I believe his would be.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue a Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the July 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-277.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018508-US ALTERNATIVE LAB RESOURCES

Posted

Complaint No. 20181019058

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

Property Location: 121 Sand Dunes Dr, Ormond Beach 32176

Parcel No. 322118000030

Zoning: R-4

Code Compliance Officer - Robert Chayer

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

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

CEB2019001-GEIGER RICHARD DAVID & JAMES

Posted

Complaint No. 20180518035

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

Property Location: 2032 Jason St, Ormond Beach 32174

Parcel No. 412402000600

Zoning: MH-4A

Code Compliance Coordinator - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

May 15, 2019

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said there has been no change. Staff is recommending a fine in the amount of \$50.00 per day, per case; not to exceed \$3,000.00 per case. The fine would commence on June 20, 2019. She said there have been no permit applications. She said that she has spoken to the property owner, since the last hearing and nothing has been done.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$3,000.00, per case; to begin on June 20, 2019.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019003-GEIGER RICHARD DAVID & JAMES

Posted

Complaint No. 20180605006

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

Property Location: 2032 Jason St, Ormond Beach 32174

Parcel No. 412402000600

Zoning: MH-4A

Code Compliance Coordinator - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$3,000.00, per case; to begin on June 20, 2019.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019008-JONES MARINNA

Served

Complaint No. 20181128030

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

Property Location: 1543 E Voorhis Av, Deland 32724

May 15, 2019

Parcel No. 701400000450

Zoning: R-4A

Code Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. Michael showed a picture of the property, taken on May 2nd. He showed the board a picture of a truck with no tag. He said that Ms. Jones said that she was going to clean up the shed. Staff recommends a fine in the amount of \$50.00 per day, per case, not to exceed \$3,000.00, per case; to commence on June 20, 2019.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$5,400.00, per case; to begin on June 20, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019090-JONES MARINNA

Served

Complaint No. 20190227021

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

Property Location: 1543 E Voorhis Av, Deland 32724

Parcel No. 701400000450

Zoning: R-4A

Code Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$5,400.00, per case; to begin on June 20, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

May 15, 2019

CEB2019021-CRAMER LYNETTE

Posted

Complaint No. 20190118031

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

Property Location: 1335 Fleming Av, Ormond Beach 32174

Parcel No. 422800000030

Zoning: MH-1

Code Compliance Officer - Robert Chayer

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. He said the last time we were here, we talked about the mobile home park was going to foreclose. He said as an update, they are continuing that process. He said they are looking for the actual service right now. He said everything has been filed, but they're just looking for the actual service right now. Staff recommends a second amended order of non-compliance, with a hearing to impose fine scheduled for August 21, 2019.

The Chairman asked if she was living there.

Robert said to my understanding, she is not living there. He said he has not seen her car there.

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 August 21, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

May 15, 2019

CEB2019106-MOSIER JOANIE O

Served

Complaint No. 20190116034

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: 114 West Loop, Oak Hill 32759

Parcel No. 950600011140

Zoning: MH-5

Code Compliance Officer - Debbie Zechnowitz

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

*Order of Non-Compliance issued at the April 17, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case. Debbie said on her last inspection on May 13, 2019, the violations remained. She said there has been no contact with the property owner. Debbie said back in February, she did have a conversation with the property owner's daughter, Cindy Wilson. She said Ms. Wilson told her that her mother lived out of state and that she hadn't had contact with her for over a year.

The Chairman asked if it was her brother living there.

Debbie said her son. She said Cindy Wilson's son lived at the property. She said he pretty much, doesn't have the right to live there. She said there are two years' worth of unpaid property taxes. Debbie said there is a tax certificate issued also.

Member Leonard asked if the outstanding warrant was served on the son.

Debbie said she's not sure, but he's not currently incarcerated. She said he's been arrested quite a few times and he's a pretty dangerous guy.

Member Leonard asked if the building case was referred to CLCA last time.

Debbie said that was the recommendation. She said on CEB2019106, we recommend dismissal and referral to the CLCA. She said on the other two cases, we'd like to recommend a fine in the amount of \$25.00 per day, per case; to commence on June 20, 2019, not to exceed \$7,000.00.

The Chairman asked for clarification on the cap amount for the fine.

Member Leonard said I think it should be \$7,000.00 per case.

May 15, 2019

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order of Dismissal with referral to the CLCA.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019107-MOSIER JOANIE O

Served

Complaint No. 20190116035

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

Property Location: 114 West Loop, Oak Hill 32759

Parcel No. 950600011140

Zoning: MH-5

Code Compliance Officer - Debbie Zechnowitz

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

*Order of Non-Compliance issued at the April 17, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$7,000.00, per case; to begin on June 20, 2019.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019108-MOSIER JOANIE O

Served

Complaint No. 20190116036

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: 114 West Loop, Oak Hill 32759

Parcel No. 950600011140

Zoning: MH-5

Code Compliance Officer - Debbie Zechnowitz

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

*Order of Non-Compliance issued at the April 17, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day, per May 15, 2019**

case, not to exceed \$7,000.00, per case; to begin on June 20, 2019. After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

X. Hearings and Presentation of Filed Notices of Violations

CEB2018460- RODGERS BOYCE W

Served

Complaint No. 20180725036

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

Property Location: 1528 Air Park Rd, Edgewater 32132

Parcel No. 843801001410 Zoning: A-2A,MH-4A

Code Compliance Officer - Debbie Zechnowitz

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

THIS CASE WAS CONTINUED

CEB2018461-REASONER STEVE E

Served

Complaint No. 20180725031

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

Property Location: 2907 Ragis Rd, Edgewater 32132

Parcel No. 843801001403 Zoning: A-2A,MH-4A

Code Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Jul 28, 2018

THIS CASE WAS CONTINUED

CEB2019132-TOTH LEWIS

Served

Complaint No. 20180102004

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

Property Location: 1408 E New York Av, Deland 32724

Parcel No. 701401000330 Zoning: B-4CA

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jan 05, 2018

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He said this is a case with a storage container on the property. He said this is a use of the storage container on the property. He said that Mr. Toth is storing all kinds of things in it. Michael said that Mr.

May 15, 2019

Toth is getting a permit for the shed; that's what he's working on now. He said Mr. Toth is going to take all of the things in the storage container and put them into the shed.

Member Wild asked if the shed is under construction.

Michael said they're working on it right now.

Member Wild asked is this building material that's in the storage container, going to be used for the shed.

Michael asked Mr. Toth if it was his feed stuff.

Mr. Toth said no, its fertilizers and wires. He explained that he has a feed store. He said some of the things are stored in the storage container. He said he's leasing it and he's had it for about five years. He explained that the concrete slab has been poured. He said as the building will be brought from Orlando in the next couple days. He said we could be done by the end of this week.

Member Needham asked when it would be done.

Mr. Toth said two months would make me comfortable. He said it depends on the company that I'm leasing it from.

Member Needham asked Mr. Toth, when his lease on the container would be up.

Mr. Toth said he pays it once a year. He said they usually send the bill in May.

Member Needham asked if Mr. Toth could finish the shed and vacate the storage container in a month.

Mr. Toth said he could probably do that, if the building is done. He said if he has any issues he will call Mike, as he is a good gentleman to deal with.

Mr. Toth gave his name and address for the record.

Michael explained that the container has been on the property a year. He said Mr. Toth was given extensions.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of July 14, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the July 17, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Sections 72-241.** After May 15, 2019

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

CEB2019137-TROPICAL HAMMOCK INC

Served

Complaint No. 20190329008

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

Property Location: 1485 Lakeview Dr, Deland 32720

Parcel No. 792404000050

Zoning: B-7

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Mar 29, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Michael Woods, Attorney, asked the board for a continuance.

The board agreed to the request, with the understanding that an affidavit from a Florida certified electrical contractor, stating that the electrical service is in safe working order, be submitted to the Chief Building Official.

THE BOARD CONTINUED THE CASE

CEB2019138-TROPICAL HAMMOCK INC

Served

Complaint No. 20190329006

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277 You have failed to observe the required setbacks

Property Location: 1485 Lakeview Dr, Deland 32720

Parcel No. 792404000050

Zoning: B-7

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Mar 29, 2019

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

THE BOARD CONTINUED THE CASE

CEB2019023-ALLEN JOHN L

Posted

Complaint No. 20190503022

May 15, 2019

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: 105 Poinciana Ln, Deltona 32738

Parcel No. 911001030230 Zoning: R-4EA

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on May 3, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

John Allen gave his name and address for the record. He said this is the first time I'm hearing about this. I haven't been getting my mail.

Michael showed the board his picture of the property. He said there are vehicles that inoperable without tags. He said the he believes that the black car and the black truck run, but they have no tags. He showed the board a picture of the boat and the R.V without tags. He showed the board a picture of the grass that is higher than 12 inches. Michael explained that if all the items were taken out that they would be able to cut the grass.

Member Wild asked if the grass over 12 inches was throughout the yard, or just behind the boat.

Michael said its where all the junk is. He said you can see it growing around the boat and the RV.

Member Wild said what about the yard; the actual yard.

Michael said the front yard is cut. He said the backyard needs to be cut around all the junk and things like that. He showed the board pictures of the junkyard.

Member Wild asked where the construction was.

Michael directed Member Wild to his pictures.

Member Wild asked what the structure is going to be.

Mr. Allen said they were going to use it as a temporary housing unit, for that car; to work on the car. He said the city inspector came in and told them they couldn't do it.

Member Zahn said who's they? He asked Mr. Allen if he is leasing the property.

May 15, 2019

Mr. Allen said he took a job in Ohio, three years ago. He said his brother, who was losing his home, asked if he could move into Mr. Allen's house. Mr. Allen said I thought it was a good idea, because I didn't want it to be vacant. He said he came back last year and it's been fighting tooth and nail. He said I have OCD, so my yard has never looked like this ever. He said when I look at these pictures, I'm appalled. Mr. Allen said that his brother is aggressive and larger than me. He asked the board, for any suggestions. He said if I get fined, I don't know what I'm going to do.

Mr. Allen said his hands are tied in certain areas. He asked the board for time. He said I've never had my house look like that ever.

Member Needham asked Mr. Allen if he is in charge.

Mr. Allen said I guess not; I have a tyrant at the house.

The Chairman said you might have to pursue eviction, which can take months.

Mr. Allen said and its family too and that makes it complicated. He asked the board for 90 days. He said he can only work on the weekends, because he works. He said he's already gone in there and gotten rid of 14 bags of garbage and cut the lawn.

The Chairman said so, you're brother lost his house and these are items that he's brought with him.

Mr. Allen said these are items that he's accrued in his lifetime.

Member Needham asked if there would be a problem with eviction.

Mr. Allen said I don't know.

Member Needham suggested the County Court mediation service.

Charles Cino, Board Attorney, said don't you have to file a lawsuit before you can get mediation.

Member Needham said no.

Mr. Cino said both parties would have to agree.

Member Needham said yes.

Mr. Allen explained to the board that the house never had a driveway. He said the house across the street also doesn't have one. He said they park in the yard too. He said the
May 15, 2019

car belongs to his son, who moved in too. He said if I can have 90 days, I'll do whatever it takes.

The Chairman asked for clarification on the truck.

Michael said he believes it's the same truck and there may be progress.

Mr. Allen said they might have moved the black Falcon. He said I couldn't tell. He said if I do go over there, I can't do anything or it's a fight. He said I went over there to move the Falcon and possibly they did. He said they are trying to fix it up.

Member Wild asked Mr. Allen his intention for the structure.

Mr. Allen said that will have to be taken down.

The Chairman said for the record, we had a power failure and we weren't sure if we were recording or not. He said we had a little recess and now we're back.

The Chairman asked if the structure could be pushed over.

Mr. Allen said not really; it could be taken apart.

Member Needham asked Mr. Allen if that is his intention.

Mr. Allen said yes.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of August 14, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the August 21, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-287 (E).** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019151-ALLEN JOHN L

Posted

Complaint No. 20190122040

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

Property Location: 105 Poinciana Ln, Deltona 32738

Parcel No. 911001030230

Zoning: R-4EA

Code Compliance Officer - Michael Mazzola

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

May 15, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of August 14, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the August 21, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019152-ALLEN JOHN L

Posted

Complaint No. 20180814044

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: 105 Poinciana Ln, Deltona 32738

Parcel No. 911001030230

Zoning: R-4EA

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Aug 16, 2018

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of August 14, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the August 21, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019153-ALLEN JOHN L

Posted

Complaint No. 20180814042

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: 105 Poinciana Ln, Deltona 32738

Parcel No. 911001030230

Zoning: R-4EA

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Aug 16, 2018

May 15, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of August 14, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the August 21, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-287 (B).** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019154-ALLEN JOHN L

Posted

Complaint No. 20180814045

Violation of ORDINANCE: Code OF Ordinance-County Of Volusia Chapter 58, Health & Sanitation SEC. 58-36: Violations And Declaration Of Nuisance. Article II Grass/weeds in excess of 12 inches, yard trash, rubble, debris, and/or waste

Property Location: 105 Poinciana Ln, Deltona 32738

Parcel No. 911001030230

Zoning: R-4EA

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Aug 16, 2018

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of August 14, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the August 21, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article II Sec. 58-36.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019155-ALLEN JOHN L

Posted

Complaint No. 20181102031

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

Property Location: 105 Poinciana Ln, Deltona 32738

Parcel No. 911001030230

Zoning: R-4EA

Code Compliance Officer - Michael Mazzola

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

The respondent was present for the hearing.

May 15, 2019

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of August 14, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the August 21, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Sections 72-241.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

IX. Requests for Discussion of Fines

CEB2017199-SERRA RONALD F & SHARON M

Served

Complaint No. 20170511028

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). (Expired permit #20011114019)

Property Location: 1761 Mitchell Ct, Port Orange 32128

Parcel No. 633001002220

Zoning: PUD

Code Compliance Coordinator – Margaret Godfrey

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

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

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

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

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

*2nd Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

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

*Order Imposing Fine/Lien issued at the April 17, 2019 hearing:

Board's decision on Respondent's Motion for Rehearing request from the April 17, 2019 Hearing

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

The board clarified that the case was there for a possible rehearing.

Margaret explained that the case was before the board in April and a fine was imposed. She said Mrs. Serra, would like to have her case reheard. She said that's why we're here; so you guys can decide if you want to rehear it or not.

May 15, 2019

Mr. Cino asked for the status of the violation.

Margaret said it's still in violation and the fine is supposed to start in July.

Mr. Cino said there was supposed to be one inspection left and that was it. He said the reason we gave her 90 days, was so she could get that one inspection. He said if she got the inspection, the case would be in compliance and the case would be closed.

Mrs. Serra said right, I would just like to have a rehearing as far as the final order.

Mrs. Serra gave her name and address for the record.

Mrs. Serra said she is an appellate attorney and a stickler for finding flaws and errors in orders. She said when I read the final order that you all issued, it was based on findings and conclusions made in January of 2018. She said since that time, those findings and conclusions no longer exist. Mrs. Serra explained that she's had two final inspections since that time and there has been significant progress with the house.

Mrs. Serra said if I were even to attempt, to appeal that order those findings and conclusions, are not relevant to the present time. She said I'm not trying to be a pain, but in my opinion, it would be better with what we have accomplished. She said fines and liens are supposed to be imposed after considering certain factors; which are the severity of the violation. She explained that they have one inspection left and there is nothing wrong with the house, which would cause any danger. Mrs. Serra said they're finishing the balcony stairs and ceilings; she said then they'll have the final inspection. She said she would prefer to not have an outstanding fine order out there. She asked that the order be withdrawn and to give her until July 18th, to obtain her final inspection. She said if there is a fine and lien hearing, I ask that it go to the August date. She explained that it shouldn't go that far, as she plans on having her final inspection done before then.

Member Needham asked the county's recommendation.

Margaret said staff's recommendation is that it stays where it is and nothing changes. She said this case is 19 years old and the permit itself, is 18 years old. She said it's been extended several times, since 2018. Margaret said I'm staying with my recommendation.

Mr. Cino reminded the board, it's whether or not they want to give her the opportunity, to have a hearing on the matter or not. He said that's what's in front of you today. He explained their options, if they decided to grant the motion. Mr. Cino explained to Mrs. Serra, that the whole idea was for you to come into compliance and once you've done that, the case will be over with.

Mrs. Serra said and it will be, but I still have a problem with that order.

May 15, 2019

Member Wild said I went back and looked at the January 17, 2018 meeting, which was the original hearing and at that time, you indicated that there was only one inspection that was left.

Mrs. Serra said no there were three in the January 2018 hearing. She said there was one left in the April 17, 2019 hearing.

The Chairman told Mrs. Serra that he wanted to hear what Member Wild has to say, as he is reading from the actual minutes.

Member Wild read from the January 17, 2018, Code Enforcement Board minutes. He discussed the time that had been given to Mrs. Serra, since that hearing.

Mrs. Serra said I think there has been a misunderstanding. She said that Member Wild is correct in his recitation of what was stated. She explained that her permit had four final inspections and that when one of the permits expired, she was required to have one of the inspections done in 6 months. She said when the permit expired, they had one inspection that needed to be taken care of and then they would extend the permit again. She said each final inspection was given 6 months, by the county as homeowners.

Member Wild explained that in one case, you've got the building without permit; he said the other side has issued you a building permit and you're under the county. He said that 6 months doesn't give you 6 months to the code board.

Mrs. Serra said I understand that, but I was given that. She said I was given an additional 6 months to obtain that. She said I have one left out of that. She said that she's submitted her improvements to Mrs. Godfrey and Charles Cino; showing that we have made significant strides for this last one. She said we should have it, no problem, by July 18th.

Member Wild said we took that into account, in the April of 2019 hearing.

Mrs. Serra said I understand that but the order is relying on facts...

Member Wild said no.

Mrs. Serra said that's what the order says. She said the order specifically says that it's relying on facts and conclusions made at the January 2018 hearing.

Margaret said yeah, that's where they found you in non-compliance.

Mrs. Serra said but the facts and conclusions made at that hearing are not relevant anymore, because things have changed since then.

May 15, 2019

Margaret said the permit is not finalized, so you're still in non-compliance.

Mrs. Serra said I understand the non-compliance, but if I were to take this to the appellate court with this order; it's showing that you're utilizing factors and conclusions from January 2018, to base the fines and liens.

Member Wild said we also took testimony in April and it was on the basis of that testimony that I made the motion.

Mrs. Serra says but that's not what it says in the order sir. She said so I would ask for an amended final order then.

Member Needham asked Mrs. Serra, when she thinks they could have this wrapped up.

Mrs. Serra said we should have the final inspection by July 18th. She said if we could just move it to the August hearing, you won't see us again.

Member Wild said they gave her more time.

Member Needham said what he would like to know, if there was a drop-dead date, would you come into compliance with everything.

Mrs. Serra said barring any problems that would need to be corrected, I would ask that it begin August 21st; the fining. She said it should all be over with.

The Chairman reminded the board that the motion before them, is to rehear the case. He said I haven't had anyone move in the regard.

Mrs. Serra said it's really a rehearing on the final order.

The Chairman said well, we're not having the re-hearing now. He said the motion before us, is to have a rehearing. Does anyone want to have a rehearing?

A few of the board members said no.

The Chairman said to Mrs. Serra that her request dies, for lack of a motion.

Mr. Cino said does someone want to give her an additional 30 days, or not.

Member Leonard said no; we don't have that in front of us.

THE REQUEST DIED FOR LACK OF A MOTION.

May 15, 2019

- 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 10:15 a.m.

Respectfully submitted,

Meghan Lindsey
Code Enforcement Board Clerk

May 15, 2019

C E R T I F I C A T E

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

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

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

**Meghan Lindsey
Code Board Clerk**

May 15, 2019