



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

May 16, 2018

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
Tom Wright
Donald Needham
Charles Cino, Board Attorney
Pete Zahn
Kenneth Runge**

MEMBERS ABSENT

Gerard Smith

STAFF PRESENT

**Chris Hutchison, Zoning Compliance Manager
Margaret Godfrey, Zoning Compliance Officer
Debbie Zechnowitz, Zoning 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
Tammy Proulx, Zoning Compliance Coordinator**

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APPROVAL OF MINUTES

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Member Needham moved to APPROVE the February 28, 2018 Code Enforcement Board minutes. Member Wright SECONDED the motion that CARRIED unanimously by voice vote.

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May 16, 2018

UNFINISHED BUSINESS

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:

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

*A Report and Affidavit of Compliance was submitted with a compliance date of April 17, 2018:

Order of Compliance

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

CEB2017247-OGEA MYLES & ELIZABETH

Posted

Complaint No. 20170713013

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). (remodel/renovation)

Property Location: 7 Hillside Dr, New Smyrna Beach 32169

Parcel No. 743503030270

Zoning: R-4W

Building Compliance Officer - Beverly J Abrahamson

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of February 27, 2018 hearing:

Order of Compliance

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

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CEB2017284-TODD & STACEY STONE LLC

Served

Complaint No. 20170518002

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: 4063 Dewey Dr, New Smyrna Beach 32168

Parcel No. 722603000510

Zoning: A-3

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on May 23, 2017

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of April 10, 2018:

Order of Compliance

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

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of April 2, 2018 hearing:

Order of Compliance

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

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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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of April 2, 2018 hearing:

Order of Compliance

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

CEB2018059-EISENHAUER DANIEL J

Served

Complaint No. 20180102039

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: 1424 Jackson Av, Daytona Beach 32117

Parcel No. 423301030190

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Feb 03, 2018

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

*A Report and Affidavit of Compliance was submitted with a compliance date of April 20, 2018:

Order of Compliance

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

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CEB2017181-GOWING JANE E

Served

Complaint No. 20170328029

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:

*2nd Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of April 26, 2018:

Order of Compliance

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

CEB2017184-GOWING JANE E

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:

*2nd Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of April 26, 2018:

Order of Compliance

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

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CEB2018152-EMANUEL JAMES & LISA

Served

Complaint No. 20171114015

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: 390 Clark St, Enterprise 32725

Parcel No. 900105160013

Zoning: R-4E,R-4EA

Zoning Compliance Officer - Michael Mazzola

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of May 2, 2018:

Order of Compliance

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

CEB2018153-EMANUEL JAMES & LISA

Served

Complaint No. 20171114016

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

Property Location: 390 Clark St, Enterprise 32725

Parcel No. 900105160013

Zoning: R-4E,R-4EA

Zoning Compliance Officer - Michael Mazzola

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of May 2, 2018:

Order of Compliance

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

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CEB2017118-FERGUSON LEE R & CAROL M

Served

Complaint No. 20161202014

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:

*2nd Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of April 24, 2018:

Order of Compliance

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

CEB2017402-MARTIN EDWARD JAMES JR

Posted

Complaint No. 20171107036

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 #20091229012. Expired on 6-29-1

Property Location: 1953 Linda Av, Ormond Beach 32174

Parcel No. 424213020190

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

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

Order of Compliance

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

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CEB2017407-VAN CLEEFF DANNY RICHARD

Served

Complaint No. 20171107047

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

Property Location: 1548 Granada Av, Daytona Beach 32117

Parcel No. 424219110170

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of May 8, 2018:

Order of Compliance

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

CEB2018064-SANCHEZ ROBERT J

Sheriff Served

Complaint No. 20180119034

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

Property Location: 174 Poinciana Rd, Edgewater 32141

Parcel No. 844800000120

Zoning: R-4W

Environmental Specialist II - Brenda Borgiet

Property owner was first notified of the violation on February 7, 2018

*Order of Non-Compliance issued at the February 28, 2018 hearing:

*Order Imposing Fine/Lien issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing. His attorney Peter Thomson spoke on his behalf.

The Chairman asked if staff wanted to give an intro or if the board would just be hearing from the respondent.

Assistant County Attorney, Russ Brown, told the board that staff talked amongst themselves, and they wanted to give Mr. Thomson the opportunity to talk about his client and go from there.

The Chairman said that he recalled from the last hearing, that it was stated if the respondent made some progress that there is a chance to not have the fine begin, but we did vote that a fine would begin tomorrow. He asked if that was correct.

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Mr. Thomson said yes. He gave his name and address for the record. He said that since the last hearing, he was to have started the process of bringing the property into compliance. He said that staff has told him that the goal is to bring the property into compliance, not to punish. He said there was an ongoing operation to stop the dredging process; it took several days and that's done. Since the last hearing there was the removal of sections of the temporary seawall, which we had requested to do and that has been done. There has been a little bit of ongoing additional activity on the property, in the form of protecting the already existing work in place. He said that there was sanding and sealing to prevent damage to wood that was already placed around the perimeter.

Mr. Thomson explained why the wood needed to be sanded and sealed. He said that we have obtained all of the relevant permit documentation. He said they've obtained a tree expert for a tree health assessment and a protection plan. He said that they've obtained additional DEP approval and non-enforcement correspondence; which is part of the package that they're compiling for compliance. He said that they've begun drawings for the seawalls that are in place. Mr. Thomson said that engineers need to review those drawings, as part of the application. There is an electrical contractor standing by waiting to come on and do his inspections; which would be part of the application process.

Mr. Thomson said that they were advised to get a survey in a timely fashion; he said that the original surveyor that the property owner used the first time, was delayed by two months. He said that they've waited about a month. Mr. Thomson said that the as-built survey is what's taking the time. He said that staff said it was critical that a survey shows exactly what it is that you're going to do; where you're going to have roads, where you're going to have vegetation and where you're going to have trees.

Mr. Thomson explained that they have obtained a project manager, who will coordinate onsite; inspections and activities in place of Mr. Sanchez. The project manager will remove Mr. Sanchez from the day to day process of management. He explained that they're working on a driveway draining landscape design plan, which will be part of the ultimate application package. He said that they're doing the legal work, establishing the requirements for variances and a use for a garage apartment.

Mr. Thomson said that his report is that they've done a substantial amount of work over the last thirty days, to get this process started. He said it's not just the application it's all the exhibits that go with it. He said that you just can't put it together in thirty days. He said that he has a client that wants to be compliant and that he's spending money to be compliant. Mr. Sanchez has shut down the operation and he has engaged a substantial amount of experts to help, in order to bring this property into compliance. Mr. Thomson said what I'm asking for today, is to refrain from the imposition of the fine because they would be substantial. He said the fine would be about \$60,000.00 before they were even able to talk with the surveyor. Mr. Thomson said explained if the goal is compliance that a \$60,000.00 fine while we're waiting on our experts, would be in the nature of wanting to bring this into

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compliance. He said it would be a penalty for past actions.

Member Zahn said that this had nothing to do with punitive action; it never does. He said its finding in compliance or not. The reason to set this fine for tomorrow is to assure some action, because it didn't appear from previous information brought to the board that things were happening. He said the fine was to assure that something would be done, and then we'd give you the opportunity to come in and explain what had been done.

Mr. Thomson said that he appreciates that and that's why he's here. He said that he's touched a lot of bases about the work that they have been doing. He said that he talked with staff the day before and that he's spoken with Assistant County Attorney, Russ Brown about his comprehensive plan to bring the property into compliance.

The Chairman said that the alteration of the jurisdictional wetland violation, was brought to the property owner's attention in April of 2016; he asked when the last time county staff went to the property to see if any of these violations have been brought into compliance.

Mr. Thomson said I have no idea you have to ask the county.

The Chairman asked Mr. Thomson if he had invited staff onto the property.

Mr. Thomson explained that there has been no action taken, in regard to the dredging.

The Chairman asked Brenda Borgiet, Environmental Specialist II, if she had an update for the board. He asked if any violations had been brought into compliance.

Brenda said not to this date.

The Chairman said I don't know that all of them require a survey.

Mr. Thomson said that all I've been trying to do, is work with the county and see what it's going to take to come into compliance and every one of them tells me I have to submit permits. He said in order to get the permits you have to have drawings. The vehicles on the property that didn't have tags have been brought into compliance. He explained that there are storage containers on site and there is a backhoe on site because when they get the permits to do the work, those will not be a problem anymore.

Brenda said that on May 2nd, they had some staff go out to the property. There was obviously some saws still running and we could see some people working on the board walk. She said a saw is not for sealing the wood that is currently laid down. She said that it appears that work is still continuing on that site; dirt has definitely been moved around and leveled. Brenda showed a picture that proved the statements that she was making. She said work is still going on, on the property. Brenda said for reassurance purposes, staff
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would recommend that you impose the fine of \$250.00 per day, per case.

Member Needham explained to Mr. Thomson that he is new to this and that it has been going on for quite some time. He explained that irrefutable damage has been done onsite to trees and other things on the site. To the casual observer it looks as if they did whatever they want when they wanted to. He said perhaps we're aware of what was going on, being in violation and just continuing. One might draw that going back from the evidence from 2016.

Mr. Thomson said that he disagree that irrefutable damage has been done.

Member Needham asked how do you replace the trees that were taken down?

Member Zahn said the fine starts tomorrow. The reason that we've set it up this way is to give the opportunity for you to get started and show effort toward accomplishing something. He said I'm familiar with the work and I know that the first thing you need is a survey. He said I know the surveyor is busy and you did the right thing by going to the original surveyor. He said one month has already gone by and you will need another before the engineer can put together all of the documents that go in for this permit application. Member Zahn said that you need to continue to meet with staff and go over where you are with this. Staying in touch with staff is how we are going to get a response about how cooperative you've been. He said there's a lot of things that go on behind the scenes and we as a board need to decide, if we want to give more time.

Member Needham asked Mr. Thomson to address the testimony that work was still going on, on the property.

Mr. Thomson said that he has repeatedly advised in writing, in very strong language that there is to be no work done. He said it's a tampering down kind of process; where there is no work going on and I hear reports about saws being run on the site. He says that when he calls, he is told that they're just finishing something.

Mr. Thomson said that he is not asking for the world, that he's just asking for more time. He said that he has asked to establish a protocol; do you want me to report every week. He said let's set this up, in a way that is manageable. He explained that they would be happy to cooperate with staff.

Member Needham pointed out that despite Mr. Thomson's best efforts that his client isn't cooperating with what you are trying to do perhaps.

Mr. Thomson said whatever is going on, on the property is a minimum infraction; there's certainly nothing major going on, onsite. He said there's no crew, there's no staff; he said it's almost a dormant site.

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Marcia Williams gave her name and address for the record. She provided testimony as a witness. Ms. Williams explained that she lives across the fence. She said that you can see everything that's going on from her neighbor's house; who is a widow. She explained that you can see that work continues to go on from various properties in her development. She said that the property owner has never stopped for one minute. She said work goes on, all day every day. She said that it goes on until 10 at night.

Member Wild asked to give an example in the last month.

Ms. Williams said that the backhoe is digging up dirt out of the canal and putting it on the property next door. She said that they have piles of cement, she said that they have shells in them and they're white. She said it's on our side of the canal where those have just appeared. The witness said that the property owner has not removed the seawall; he had one going across the canal. She explained that Mr. Sanchez had constructed another seawall where the garage apartment is located on their side of the canal. She said it's within the last week.

Ms. Williams explained that the property owner was told to take a seawall down and he did, but he has since put it back up. She said that he's built seawalls and they go all the way back to that apartment.

Member Wild said the seawall that is on your side, is that preventing some kind of erosion; if that seawall wasn't there. He asked Ms. Williams if the seawall wasn't there would the banks be collapsing into the canal.

Ms. Williams said no. She said that it appears to be temporary so he could remove it. She said that he has pushed back soil onto the edge of the property. She said that they have no respect for this land or anybody. Ms. Williams said that he's been doing it for over 2 years; he does not need another minute. She said that he has no intention of stopping.

Ms. Williams said that they turned off his power and he started to run generators. She said that they're very loud and annoying. She said that they were going to give him his power back, so it would be less noisy and he wouldn't let them go into the house. She said that the property owner has this house, that's all boarded up and you can't go in there. She said because of that, they can't give him the power back, so it's still loud. Ms. Williams said that he has lights that are on day in and day out.

Ms. Williams said that the containers that are down by my house, you can't believe all the junk that are on the outside of these containers. She said the junk is in between her neighbor's deck and the containers. She said that there is light in the containers. She said that they're digging a huge hole that they've covered up, with tent-like things. She said that they're getting water; they have lots of water coming in there.

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Member Wild asked Ms. Williams to repeat the type of work that you saw.

She said the backhoe is still working every day. She said that there is a new seawall, which has appeared within the last week. She explained that they're continuing to dredge. Ms. Williams said that they're continuing to push back any trees or bushes that's in the way there, to get back on the property. She said it's not even his property.

Brenda said that we currently have that site in violation, for the clearing and dredging activity. She said there is an open violation for the dredging, clearing and the class two.

Member Needham asked Brenda, if she could attest to what Ms. Williams is alleging.

Brenda said not the new work.

Member Needham asked about the clearing of the land.

Brenda said that the property owner is just clearing it onto someone else's property. Member Needham asked if there had been contact with the property owner.

Brenda said that they sent a certified notice of violation and they have not heard back from them as of yet. Brenda said it's a corporation an LLC.

Member Needham asked if the property owner was affiliated with the LLC.

Brenda said not that we're aware of.

Mr. Thomson said that the statement that the power was going to be turned back on and then couldn't be, is a fallacy.

Member Needham told Mr. Thomson that there has been testimony that work has continued. To the best of your knowledge you have been saying that work has ceased. There obviously is a difference of on site and corroborated evidence to the fact that work has continued, despite your best efforts.

Mr. Thomson said going back to the need to bring the property into compliance, if the backhoe was removed from the property would that help buy more time.

Member Needham said the problem that we have is the owner, doesn't care. He said that the owner is going to do exactly as he wants to, despite your best efforts. He said that you can't cover that up.

Beverly said that if nobody is living on the property, maybe they should vacate it.

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The Chairman said that counsel testified that it's a dormant property.

Mr. Thomson said yeah.

The Chairman said the best way to pacify everyone's concerns; except the property owner is slide 10. Stop work.

Member Wild asked Brenda, how much more work is needed to protect the site; any a little bit.

She said that there's a photo in there, where you can see the erosion control device. She said that the turbidity curtain was still floating, not serving any purpose.

Brenda discussed whether or not, the turbidity curtain had been secured. She said at this point, the turbidity curtain should be moved further down the canal, so that it is now protecting what is exposed on that neighbor's parcel as well. She explained a plan to the board that would prevent further erosion.

Brenda discussed a planting plan that the property owner could utilize.

Member Zahn said that he was going to suggest more time, but since testimony stated that work has continued a fine might get the property owner's attention.

Mr. Thomson said you've got a neighbor that comes in with no county corroboration, of one thing that was said; no photographs.

Member Zahn said she's under oath so we're taking that testimony because we're quasi-judicial and we have the opportunity to take that testimony or not.

Mr. Thomson said \$2,000.00 per day, by the time we get the surveyor it's going to be \$60,000.00.

Member Needham said so be it.

Member Zahn said it would have helped out a lot, if there hadn't been any ongoing work.

Brenda asked if there could be an agreement on a site visit.

Mr. Thomson said if there's going to be a fine of \$2,000.00 a day, I'm not agreeing to anything. He asked if the fines were going to be imposed and if so, what's my response.

Member Wild said at the end of the project, we have the ability to go back and look at the total of the fines and change those, if it's reasonable.

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Mr. Thomson suggested that county staff come to the site and see that work has ceased.

The board discussed a possible onsite inspection with Mr. Thomson.

The board, Assistant County Attorney, and Board Attorney discussed possibly pushing the start date of the fine.

Based on the evidence and testimony provided, Member Needham **MOVED that the imposition of the fine begin as it was originally proposed.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018065-SANCHEZ ROBERT J

Sheriff Served

Complaint No. 20171116018

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). (Seawall, metal carport/storage type structure, small shed electrical alterations and extensive garage alterations)

Property Location: 174 Poinciana Rd, Edgewater 32141

Parcel No. 84480000120

Zoning: R-4W

Building Compliance Officer - Beverly J Abrahamson

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

*Order of Non-Compliance issued at the February 28, 2018 hearing:

*Order Imposing Fine/Lien issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing. His attorney Peter Thomson spoke on his behalf.

Based on the evidence and testimony provided, Member Needham **MOVED that the imposition of the fine begin as it was originally proposed.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018066-SANCHEZ ROBERT J

Sheriff Served

Complaint No. 20171116020

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

Property Location: 174 Poinciana Rd, Edgewater 32141

Parcel No. 84480000120

Zoning: R-4W

Building Compliance Officer - Beverly J Abrahamson

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

May 16, 2018

*Order of Non-Compliance issued at the February 28, 2018 hearing:
*Order Imposing Fine/Lien issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing. His attorney Peter Thomson spoke on his behalf.

Based on the evidence and testimony provided, Member Needham **MOVED that the imposition of the fine begin as it was originally proposed.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018067-SANCHEZ ROBERT J

Sheriff Served

Complaint No. 20171116027

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. (Unpermitted accessory structures may not meet setbacks)

Property Location: 174 Poinciana Rd, Edgewater 32141

Parcel No. 844800000120

Zoning: R-4W

Building Compliance Officer - Beverly J Abrahamson

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

*Order of Non-Compliance issued at the February 28, 2018 hearing:

*Order Imposing Fine/Lien issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing. His attorney Peter Thomson spoke on his behalf.

Based on the evidence and testimony provided, Member Needham **MOVED that the imposition of the fine begin as it was originally proposed.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018069-SANCHEZ ROBERT J

Sheriff Served

Complaint No. 20171207058

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Excavation without the required permits, exemptions and/or approvals (dredging a canal)

Property Location: 174 Poinciana Rd, Edgewater 32141

Parcel No. 844800000120

Zoning: R-4W

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Dec 08, 2017

*Order of Non-Compliance issued at the February 28, 2018 hearing:

*Order Imposing Fine/Lien issued at the April 18, 2018 hearing:

May 16, 2018

Hearing to Impose Fine/Lien

The respondent was present for the hearing. His attorney Peter Thomson spoke on his behalf.

Based on the evidence and testimony provided, Member Needham **MOVED that the imposition of the fine begin as it was originally proposed.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018070-SANCHEZ ROBERT J

Sheriff Served

Complaint No. 20160401026

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884 Description: Altering any Volusia County jurisdictional wetland and/or wetland buffer without first obtaining a wetland alteration permit.

Property Location: 174 Poinciana Rd, Edgewater 32141

Parcel No. 844800000120

Zoning: R-4W

Environmental Specialist II - Brenda Borgiet

Property owner was first notified of the violation on Apr 04, 2016

*Order of Non-Compliance issued at the February 28, 2018 hearing:

*Order Imposing Fine/Lien issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing. His attorney Peter Thomson spoke on his behalf.

Based on the evidence and testimony provided, Member Needham **MOVED that the imposition of the fine begin as it was originally proposed.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018071-SANCHEZ ROBERT J

Sheriff Served

Complaint No. 20171215061

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: 174 Poinciana Rd, Edgewater 32141

Parcel No. 844800000120

Zoning: R-4W

Building Compliance Officer - Beverly J Abrahamson

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

*Order of Non-Compliance issued at the February 28, 2018 hearing:

*Order Imposing Fine/Lien issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

May 16, 2018

The respondent was present for the hearing. His attorney Peter Thomson spoke on his behalf.

Based on the evidence and testimony provided, Member Needham **MOVED that the imposition of the fine begin as it was originally proposed.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018073-SANCHEZ ROBERT J

Sheriff Served

Complaint No. 20171215063

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Converting a shipping container(s) to an accessory structure and using it for storage

Property Location: 174 Poinciana Rd, Edgewater 32141

Parcel No. 844800000120

Zoning: R-4W

Building Compliance Officer - Beverly J Abrahamson

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

*Order of Non-Compliance issued at the February 28, 2018 hearing:

*Order Imposing Fine/Lien issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing. His attorney Peter Thomson spoke on his behalf.

Based on the evidence and testimony provided, Member Needham **MOVED that the imposition of the fine begin as it was originally proposed.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018074-SANCHEZ ROBERT J

Sheriff Served

Complaint No. 20180130038

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 16 SECTION 72-1100 Description: Less than thirty-five percent (35%) of the lot contains native vegetation.

Property Location: 174 Poinciana Rd, Edgewater 32141

Parcel No. 844800000120

Zoning: R-4W

Environmental Specialist II - Brenda Borgiet

Property owner was first notified of the violation on February 7, 2018

*Order of Non-Compliance issued at the February 28, 2018 hearing:

*Order Imposing Fine/Lien issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

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The respondent was present for the hearing. His attorney Peter Thomson spoke on his behalf.

Based on the evidence and testimony provided, Member Needham **MOVED that the imposition of the fine begin as it was originally proposed.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017302-DAJOMA INC

Posted

Complaint No. 20160415034

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

Property Location: 2 Tropic Winds Dr, Port Orange 32128

Parcel No. 62260000032

Zoning: MH-4

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on May 26, 2016

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

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

* Final Order Imposing Fine Lien issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Beverly J Abrahamson, Compliance Officer, presented the case.

Mr. D'hondt explained that there have been some new developments since the last hearing. He said that the Chief Building Inspector, gave him a statements and required that he get permits; permits to either rehabilitate the units or demolish them. He said that he found out that he is not capable of pulling a permit himself because the property is in a corporate name. He said that he has to go find a contractor to do it. Mr. D'hondt said that his son Jeremy has some contacts that they can use, to get the project going. He said that his son has offered to buy the majority of the property. He said that his son's contacts he some interest in making the property work. Mr. D'hondt asked the board for more time.

He said that the order from the Chief Building Inspector, says by the 26th we have to have permits submitted. We'd like to be able to use that time to get the permits submitted and then commence work once we get the permits going.

Member Wild asked if Mr. D'hondt had identified the units that could be rehabbed, versus those that need to be torn down.

Mr. D'hondt said that it's his feeling that every home could be rehabbed. He explained to

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the board, which homes would be demolished.

Member Needham asked to hear Jeremy D'hondt's intentions for the property.

Jeremy D'hondt gave his name and address for the record.

He said that he has a unique job; he works three weeks on and three weeks off, so he has a lot of time to be able to do some of this stuff. He said that his father is a school teacher, on the verge of retiring and he's a little bit older and it's hard for him to tackle such a task; that does require quite a bit of capital. He said that it was discussed that he will buy 51% of the property from his father. He said that his father told him, if he secured the first lien on the property that he would follow through with 51%. Jeremy said again with it being a corporation and title agency can't do that. He said that he has it in the hands of a lawyer, at this point.

Member Needham asked what his intentions were.

Jeremy said that it's a large property with a lot of structures on it. He said that his views and his father's views are completely different. He said that his father believes that everything is fixable. He said that he walked through the property and that it's not going to be a quick fix. He said for years he's been trying to put Band-Aids on a broken leg and that's not going to help anything. He said that he wants to go in and any trailer that has been breached from the outside, not necessarily a window, but if there's siding missing or the roofs compromised; at that point, I do agree that they are condemned. He said that he has two contractors that are writing up quotes right now.

Member Needham asked Jeremy if he had been working with the county.

Jeremy said that he had called the county. He said that he was out of town, but he has talked to Beverly and Mr. Leuzinger but he just hasn't had a chance to meet anyone.

Member Needham asked Beverly if it seemed as though Jeremy would address the immediate concerns that the board has.

Beverly said that the county has chosen to agree to maybe give 30 days, to delay the start; to see what he can do because his son has stepped up. She said that staff suggested that they start where Mr. Scheer's house is and start getting it cleaned up, maybe that would help. She said he has drawn up a plan and we have discussed things, as to what we thought would help.

Member Needham asked Beverly if she thought Jeremy was in the position, to do what he said he's going to do.

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Beverly said that she thought he would.

Member Wild asked if the property owners could start with demolishing the homes that cannot be saved.

Beverly and Jeremy explained why it would require a contractor to pull the permit.

Jeremy explained that when he talked to the Chief Building Official, Kerry Leuzinger, told him that instead of issuing a permit for each structure that needs to be taken down that they might issue a permit for the whole property. He said at the same time because it's a corporation, they have to hire a contractor because the homes aren't in their name. He explained that he's had two people come out to the site. Jeremy explained that he's waiting for the quotes and paperwork from the lawyer. Using the pictures he explained which mobile homes would be demolished.

Member Wild asked if the county could issue a blanket permit.

Mike Nelson, Building and Zoning Director, said that they could. He also informed the board that the case was scheduled to go before the CLCA board for demolition; so the condemnation part of it will be sorted out at that hearing. Mr. Nelson and staff also explained what the CLCA board does to Jeremy and Mr. D'hondt.

Mr. D'hondt said if we can get the permits pulled to take these homes down or repair them, by May 26, 2018, then the procedure that you're talking about won't take place.

Mr. Nelson said he'd have to review the information to give and answer.

Kevin Scheer gave his name and address for the record. He provided information as a witness. He said that the situation with the trailer park has gone on for years. He said that we've complained repeatedly to Mr. D'hondt and it's not till you finally take him to court that and they're going to impose fines; that he actually takes action. He said that his concern is that it's going to drag on. He said I would request that you impose the fine.

The Chairman explained the CLCA to Mr. Scheer; he said that the CLCA will demolish, if the property owner does not correct the issues.

Member Wild explained that the fine of \$200.00 per day, is starting tomorrow.

Charles Cino, Board Attorney, said that Mr. D'hondt is asking for the fines not to start tomorrow.

Member Wild explained the Order Imposing Fine/Lien from the last hearing.

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Mr. D'hondt said that since Mr. Scheer attacked my character, I'd like to comment on that. He said Mr. Scheer is a criminal trespasser.

Member Wild said it doesn't matter.

Mr. D'hondt said I feel he should have no credibility.

Member Wild said we understand. He explained why the fine was set. The board explained to Jeremy what a maintained structure is. They clarified what compliance is.

After discussion, Member Wild **MOVED that we deny the request to stay the fine/lien.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2016132-OUELLET MICHAEL & STEVEN

Served

Complaint No. 20160418040

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

Property Location: 468 Old Bubbly Rd, Pierson 32180

Parcel No. 483202000650

Zoning: RC

Building Compliance Officer – Christopher R. Hooper

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

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

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

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

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

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

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

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

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. A permit was issued and is now valid until October 31, 2018. Staff is recommending a 9th amended order of non-compliance with a hearing to impose fine scheduled for November 21, 2018.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Ninth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham

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

CEB2017070-TORRES JOSE & ANA LOUISA

Served

Complaint No. 20161026020

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. 581000000200

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:

*4th Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. The respondents came in for a pre-app meeting on April 5, 2018. They were told what to do but they haven't submitted anything yet. Christopher said that he's had no contact and they haven't received any phone calls. Staff is requesting a fine of \$100.00 per day, not to exceed \$15,000.00; to commence on June 21, 2018.

After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day with a cap of \$15,000.00 to begin on June 21, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017091-PERRYMAN OWEN JOSEPH & KAY

Served

Complaint No. 20160725004

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: 898 Snook Av, New Smyrna Beach 32169

Parcel No. 850501540190

Zoning: R-9W

Building Compliance Officer – Debbie Zechnowitz

Property owner was first notified of the violation on Jul 28, 2016

*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 October 18, 2017 hearing:

*3rd Amended Order of Non-Compliance issued at the January 17, 2018 hearing:

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

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Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Debbie Zechowitz, Compliance Officer, presented the case. Both of the permits that are involved in this case are active. Staff is recommending a 5th amended order of non-compliance, with a hearing to impose fine scheduled for October 17, 2018.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Ninth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 17, 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.

CEB2017123-SMITH DENNIS E & KAREN B

Served

Complaint No. 20161025070

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: 1530 Chestnut Av, Orange City 32763

Parcel No. 80160000053

Zoning: A-2

Building Compliance Officer – Michael Mazzola

Property owner was first notified of the violation on Nov 04, 2016

*Order of Non-Compliance issued at the June 21, 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 January 17, 2018 hearing:

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Staff is recommending a 5th amended order of non-compliance, with a hearing to impose fine scheduled for June 20, 2018.

Member Wild asked why.

Michael explained that the respondent has cases going to the code board in June.

Member Wild said this brings him all to the same date.

Michael said yes.

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Based on the evidence and testimony provided, Member Wright **MOVED to issue an Fifth Amended Order of Non-Compliance with a 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 Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017136-MORIN RICHARD J

Served

Complaint No. 20170221029

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:

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Staff recommends a fine in the amount of \$50.00 per day, capped at \$12,200.00; to commence on June 21, 2018.

The respondent gave his name and address for the record. Mr. Morin said that the architect is close to completing his work. He said that he will be submitting it as soon as possible when it's complete.

The architect gave his name and address for the record. He said Mr. Morin put his on retainer to develop as-built construction documents, for work that was not permitted properly. He said that he's about 50% finished with the architectural drawings. He said that his target date is at the beginning of the month. He said that way Mr. Morin can begin the permit process properly.

The Chairman asked if he had been through the structure.

The architect said yes. He explained what he would be doing next to the board.

The Chairman asked if the structure was pretty well put together.

The architect explained that it was.

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Member Needham asked if there was anything in the structure, which would slow the process down.

The architect said that there wasn't.

Based on the evidence and testimony provided, Member Runge **MOVED to issue an Fourth Amended Order of Non-Compliance with a 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 Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017140-PULLIAM CATHY H

Posted

Complaint No. 20170328065

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: 2880 John Anderson Dr, Ormond Beach 32176

Parcel No. 322104000470

Zoning: R-3

Zoning Compliance Officer - Margaret Godfrey

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

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

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

*2nd Amended Order of Non-Compliance issued at the February 21, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Staff is recommending a 4th amended order of non-compliance with a hearing to impose fine scheduled for August 15, 2018. Because the permit has been extended until July 18, 2018.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Fourth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the August 15, 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.

May 16, 2018

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:

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly Abrahamson, Building Compliance Officer, presented the case. Staff recommends a 4th amended order of compliance, with a hearing to impose fine scheduled for July 18, 2018.

Member Wild asked why.

Beverly said because there is a permit application submitted.

Member Wild asked what will we do when the permit is issued.

Beverly said go out and so an inspection. She explained that there was additional information that the Building Official required. She said once that's done and they get the information together, there will be one final inspection.

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

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CEB2017199-SERRA RONALD F & SHARON M

Served

Complaint No. 20170511028

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 permit #20011114019

Property Location: 1761 Mitchell Ct, Port Orange 32128

Parcel No. 633001002220

Zoning: PUD

Building Compliance Officer - Beverly J Abrahamson

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:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly Abrahamson, Building Compliance Officer, presented the case. Beverly stated that there is a permit. She said that they did get an inspection approval. The permit is now valid until October 15, 2018. Staff is recommending a 2nd amended order of non-compliance, with a hearing to impose fine scheduled for November 21, 2018.

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 November 21, 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.

CEB2017211-TAYLOR FRED J & MARTHA P

Posted

Complaint No. 20170508047

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

Property Location: 1098 George Anderson St, Ormond Beach 32174

Parcel No. 423805100160

Zoning: R-3

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. A permit has been issued and May 16, 2018

it is valid until August 25, 2015. Staff is recommending a 1st amended order of non-compliance with a hearing to impose fine scheduled for September 19, 2018.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an First 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.

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:

*2nd Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly Abrahamson, Building Compliance Officer, presented the case. A permit was issued on April 11, 2018 and is valid until October 8, 2018. Staff is recommending a third amended order of non-compliance, with a hearing to impose fine scheduled for November 21, 2018.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the November 21, 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.

May 16, 2018

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:

*2nd Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Staff is recommending a third amended order of non-compliance, with a hearing to imposed fine scheduled for August 15, 2018. Margaret talked with Jane Vasiliades, who stated that the property is under contract. She said that it should close on the 8th and the potential new owners are aware of the violations and want to bring it in compliance.

Margaret explained that she would like the next hearing to be in August to ensure proper notification.

The Chairman asked if the condition of the property has changed.

Margaret said no.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Third Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the August 15, 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.

May 16, 2018

CEB2017348-DAVIS HOMES LLC

Served

Complaint No. 20170418032

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). (interior alterations to include electric, plumbing, HVAC and framing)

Property Location: 13 Oak Tree Dr, New Smyrna Beach 32169

Parcel No. 743503030070

Zoning: R-4W

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on May 04, 2017

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Beverly Abrahamson, Building Compliance Officer, presented the case. We have four permits on this house; three of them have expired again, after being reinstated. There are on inspections on the valid permit and it is valid until August 21, 2018. Staff is requesting a fine of \$50.00 per day, with a cap of \$27,000.00; to commence on June 21, 2018.

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 \$27,000.00 to begin on June 21, 2018.** After Member Needham **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:

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Margaret said she was going to ask for an amended order, with the hearing to impose fine scheduled for August 15, May 16, 2018

2018. She said Mr. Crabtree is cleaning out the property. She said the cars and RV are gone. She said that not all of the cars are gone, but he's making headway.

The Chairman asked how the mobile home was going.

Mr. Crabtree said American Tech has already put the elevations on the dirt; they're waiting for a surveyor to come out, for the elevation height because it's in a flood zone.

The Chairman said and then get the permit.

Mr. Crabtree said that he thought they already applied for the permit. He said all the cars are gone except three, that will be moved today. He said that a fencing company is going to come and reinstall the fence.

Member Needham asked if it was the county's testimony, that there has been progress on all three cases.

Margaret said I believe so, he's doing a lot of work for me on that property.

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 15, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-277 (C).** After Member Zahn **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:

*1st Amended Order of Non-Compliance issued at the March 21, 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 Needham **MOVED to issue an**
May 16, 2018

Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the August 15, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-282. After Member Zahn **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). (double wide mobile home without permits)

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 41240400010

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:

*1st Amended Order of Non-Compliance issued at the March 21, 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 Wright **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the August 15, 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.

CEB2017383-LAMB JAMES E

Posted

Complaint No. 20171012008

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. (RV with somebody living in it).

Property Location: 1636 San Jose Blvd, Daytona Beach 32117

Parcel No. 424219170210

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Oct 14, 2017

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

Hearing to Impose Fine/Lien

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The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Staff is recommending a first amended order of non-compliance, with a hearing to impose fine be scheduled for July 18, 2018. She said it has now been reduced to a pile of rubble, but the past couple times I've been out there the rubble has been getting smaller. Margaret said she did speak to Mr. Lamb and he is making progress. She said it should be gone.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the July 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-277 (C).** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017394-KROLAK ESTHER SOVEREIGN

Posted

Complaint No. 20171031020

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

Property Location: 1705 Montgomery Dr, Daytona Beach 32117

Parcel No. 423301050020

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Nov 02, 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. She said that she would like to do an amended order to the August 15, 2018 hearing. Ms. Krolak has hired David Lee, I have a letter from him. She has also cleaned out that house, there is a tarp on the roof and it's totally secure. Margaret said that she was going to give her at least until August because the first thing she's going to do is the roof and that would take care of this violation.

Ms. Krolak gave her name and address for the record. She said that they've been waiting on the blueprints from Mr. Lee and that's what the hold-up has been. She said that he found out he has cancer so the project has been put on the backburner. She said we're trying as fast as we can.

Margaret said that Ms. Krolak let her into the house and they have done an amazing job
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cleaning it up.

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 15, 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.

CEB2017395- HOWARD GIDGET & PELLICER VIRGINIA & VEEN ELIZABETH
Served

Complaint No. 20170629039

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). (converted a carport into living space)

Property Location: 1213 David Dr, Daytona Beach 32117

Parcel No. 523703060190 Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Staff is recommending an amended order because they have a permit application in; it is valid until June 19, 2018. The hearing to impose fine would be July 18, 2018.

The Chairman asked if the permit application was to convert the carport.

Margaret said they've requested additional information; there wasn't enough information for review. She said it's still in plans review. Margaret explained that they had a demolition permit to remove two walls but it didn't supply enough of anything. So right now, it's in plan review and the application is valid until June 19, 2018.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the August 15, 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.

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CEB2017419-BOWE DOROTHY JEAN

Posted

Complaint No. 20171110058

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-298.13 Sign(s) erected without proper permit(s)

Property Location: 691 S Yonge St, Ormond Beach 32174

Parcel No. 424220310010

Zoning: B-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Nov 16, 2017

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. There have been no permit applications to date, and the site and conditions remain unchanged. Staff is recommending an order imposing fine/lien with a fine of \$50.00 per day, to commence on June 21, 2018; with a cap of \$23,400.00

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 \$23,400.00 to begin on June 21, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017430-FLETCHER NORMAN E & RUTH ANN

Served

Complaint No. 20170831007

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: 1121 Clark Bay Rd, Deland 32724

Parcel No. 610601000270

Zoning: FRA,RCA

Zoning Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on Sep 01, 2017

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. They have a couple structures on the property. They have two sheds in the back and they have another one in the back, at a different angle. They ripped one down and they seem to be making progress. I would like to give them a little more time. Staff is recommending a first amended order of non-compliance with a hearing to impose fine scheduled for August 15, 2018.

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Based on the evidence and testimony provided, Member Wright **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the August 15, 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.

CEB2017433-FVS INVESTMENTS LLC

Served

Complaint No. 20171013005

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, 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. 701106000050

Zoning: B-4CA

Zoning Compliance Officer - Christopher R. Hooper

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. Christopher said that he's had no contact with the property owner. He said that the respondent did leave a voicemail. Christopher has left several voicemails but the respondent has not returned any of them. He's made little to no progress and he's still storing on the site. Staff is recommending a fine of \$250.00 per day, not to exceed \$25,000.00; to commence on June 21, 2018.

The Chairman said wasn't he supposed to get a business license, so that would be allowed.

Christopher said that he's done nothing, since the last hearing.

After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$250.00 per day with a cap of \$25,000.00 to begin on June 21, 2018.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018016-GUTIERREZ CONSTANCE LEE

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)

Property Location: 276 Evergreen Ter, Deland 32724

Parcel No. 603812000110

Zoning: MH-5A

Zoning Compliance Officer - Christopher R. Hooper

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. A permit was issued on May 11, 2018 and it's valid until November 7, 2018. Staff is recommending a first amended order of non-compliance, with a hearing to impose fine scheduled for November 21, 2018.

The respondent gave her name and address for the record. She did not have any testimony to add.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the November 21, 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.

CEB2018046-HENDRIX WILLIAM L JR

Sheriff Served

Complaint No. 20180126018

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

Property Location: 1210 Night Owl Ct, Deleon Springs 32130

Parcel No. 600500000406

Zoning: A-1

Zoning Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on January 26, 2018

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. Christopher said he's had no May 16, 2018

contact with the respondent. He's gotten a couple calls from complainants, which say he's bringing in more items onto the property. Staff is recommending a fine of \$125.00 per case, per day, not to exceed \$15,000 per case; to commence on June 21, 2018.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$125.00 per day, per case with a cap of \$15,000.00 per case to begin on June 21, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018047-HENDRIX WILLIAM L JR

Sheriff Served

Complaint No. 20180126019

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: 1210 Night Owl Ct, Deleon Springs 32130

Parcel No. 600500000406

Zoning: A-1

Zoning Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on January 26, 2018

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Christopher Hooper, 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 \$125.00 per day, per case with a cap of \$15,000.00 per case to begin on June 21, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018160-LOEWEN GEORGE H TR

Served

Complaint No. 20180112025

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: 1150 E New York Av, Deland 32724

Parcel No. 701510000010

Zoning: R-4CA

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Mar 19, 2018

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

Hearing to Impose Fine/Lien

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The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. The site and conditions remain unchanged. Staff is recommending a fine of \$50.00 per case, per day, not to exceed \$3,050.00 per case; to commence on June 21, 2018.

The Chairman asked Michael to elaborate on what items were still present on the property.

Michael explained that there was construction debris and vehicles present on the property. He said that his last inspection was last week.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case with a cap of \$3,050.00 per case to begin on June 21, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018161-LOEWEN GEORGE H TR

Served

Complaint No. 20180112022

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

Property Location: 1150 E New York Av, Deland 32724

Parcel No. 701510000010

Zoning: R-4CA

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jan 30, 2018

*Order of Non-Compliance issued at the April 18, 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 Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case with a cap of \$3,050.00 per case to begin on June 21, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018107- CONFIDENTIAL DATA F.S. 119.07

Posted

Complaint No. 20180123046

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Excavation without the required permits, exemptions and/or approval

Property Location: 1060 Country Ranch Rd. Deleon Springs 32130

Parcel No. 600700000224

Zoning: A-3

Zoning Compliance Officer – Christopher R. Hooper

Property owner was first notified of the violation on Jan 26, 2018

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. After further fact-finding, we feel there is not enough competent evidence to substantiate the violation cited. Therefore, we're requesting a dismissal of the case.

Based on the testimony provided by staff, Member Wild **MOVED to Dismiss the case.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

X. Hearings and Presentation of Filed Notices of Violations

CEB2017425-CONDON DONALD JOHN

Posted

****REPEAT VIOLATION****

Complaint No. 20171219003

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: 1112 Avenue F , Ormond Beach 32174

Parcel No. 422901140190

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on October 28, 2016

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On December 19, 2017, staff received a complaint about a shed being built without permits and inspection approvals. On that day, a site inspection confirmed the violations. Margaret talked to Mr. Condon on the day of the inspection and explained the violation to him. She said that he already built the

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mobile home without a permit. There was an Order of Non-Compliance issued on February 15, 2017 and an Order Imposing Fine/Lien was issued October 24, 2017. Margaret said that the permit had expired and there were no inspections done. The fine for that violation has reached its maximum amount of \$3,000.00. A dog barked.

Margaret said the shed is there; it's still there and without permits or inspection approvals.

Member Wild asked if this is the second thing that has been built without permit.

Margaret said yes.

The respondent gave his name and address for the record.

Mr. Condon said no. He said there is a permit.

Margaret asked for what?

Mr. Condon said for the mobile home.

Margaret said but it expired.

Mr. Condon said nobody told me.

The Chairman said, what may have happened is when you get a permit, you have to call them or whoever is doing the work has to call them, to schedule an inspection. The Chairman said you apply for a permit, you get a permit and then you schedule an inspection to make sure the work was done properly.

Mr. Condon said what inspection though? Like the guy came and he inspected it and he said everything was okay. They turned on the power. I was 6 months without power and I had to call the chairman of the board Ed Kelley.

The Chairman said this is the shed.

Mr. Condon said when I bought the mini-home it was in a trailer park and it had been all done over like new inside. It was already with the mobile home.

The Chairman said so you brought it over with it.

Mr. Condon said yes, I assume. He showed the board a document that said unsafe property on it. He said that he invited the inspector in, and said that the inspector said there's no one here. He explained that he's a senior and that he's 70 years old. Mr. Condon said I get a \$700.00 Social Security check and this is why I bought this home;
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assuming I would be able to do the work myself. He said this building was on a different property and it was included with the mobile home. He explained what repairs that he had to do on the property. He said that he assumed that the permit that he had, was to move the mobile home.

Member Wild said if both structures were moved at the same time, would they be the same permit.

Mike Nelson, Building and Zoning Director, said no, they would have to be separate permits.

Margaret said she didn't see the shed until December 17th, he was in the process of building it when I went out there.

Mr. Condon said that he was not.

Margaret said that it didn't have a roof when she first went out there.

Mr. Condon said that he just assumed; the permit says like to move the mini-home.

Member Needham said why don't you speak with the county, they can tell you what you need to do.

Mr. Condon said this is what they needed to do from the start. I'm new and I'm from up North and I didn't know what to do.

Member Wild said we understand.

Mr. Condon asked what he needed to do about the shed.

The Chairman said that he needed to apply for a permit to put the shed there.

Mr. Condon said so this permit is no good.

The Chairman said the permit for the mobile home is what you have in your hand? Correct?

Mr. Condon said yes.

The Chairman said that is the permit to move the mobile home; you need another permit to move the shed next to the mobile home.

Mr. Condon said that he did move them all at the same time.

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The Chairman said I understand that, but you need two separate permits.

Margaret said that it's not registered at all. She said so there is a violation of the registration.

Russ Brown, Assistant County Attorney, said this is a repeat violation right?

Margaret said I said a one-time fine in the amount of \$250.00; he's already got a fine running because of the mobile home. She said I won't be here in June, he'd have to go in July.

Mr. Condon said that he won't be here either.

Member Wild asked Mr. Condon when he would be able to have the information in for the permit.

Mr. Condon said that he can do that today.

Member Wild said if you can do that today then we're in good shape.

Mr. Condon said I think I can.

Margaret said yes \$250.00 for the shed but, he's already got a \$3,000.00 fine for the mobile home. That's why I said \$250.00 because the property is only worth about \$33,000.00 and he's got \$6,900.00 in liens already on the property.

Member Wild said in this particular instance, I was willing to waive the repeat violation aspect.

Margaret said it's up to you guys, but I'm not going to be here in June, so there will be no one here to present it.

Mr. Condon expressed confusion over the liens on the property.

The Chairman asked if the case before them, that has the \$3,000.00 lien.

Margaret said no, that was the previous repeat; that was what made the shed a repeat violation. She said it was building without a permit. The mobile home is there without a permit with a \$3,000.00 fine on it.

Mr. Nelson asked Margaret if the mobile home is in compliance now.

Margaret said no.

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Mr. Brown said and you're using the shed, as evidence of a repeat violation.

Margaret said it was building without a permit.

Mr. Brown said which is the same thing that the mobile home was found in violation of, but the mobile home is not in compliance.

Margaret said no.

Mr. Condon said what are you talking about?

There was continued discussion about the potential repeat violation.

Mr. Brown said the mobile home is not in compliance and you're saying the shed is the repeat violation.

Margaret said yes.

Mr. Brown said but the mobile home was never in compliance.

Margaret said you could do an order of non-compliance with a hearing to impose fine too; that's fine.

Mr. Brown said he understood.

Mr. Condon asked why the mobile home isn't in compliance.

Margaret said because the permit expired.

Mr. Nelson said you haven't gotten your final inspection, to my understanding.

Mr. Condon explained the situation with the mobile home and the electricity.

Mr. Nelson said that he was aware of the phone calls and the situation on the property. He told Mr. Condon that they gave you power, but you never got your final inspection.

The Chairman explained what Mr. Condon, needed to do to bring the property into compliance.

Member Zahn explained that the violation should not be considered a repeat violation.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of July 10, 2018 and a Hearing to Impose**

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Fine/Lien to be scheduled for the July 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.

CEB2017426-CONDON DONALD JOHN

Posted

****REPEAT VIOLATION****

Complaint No. 20171219004

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: 1112 Avenue F, Ormond Beach 32174

Parcel No. 422901140190

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on October 28, 2016

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. She said this is not going to be a repeat violation either. She said that it is supposed to have a validation sticker; he does own the land, so all he needs is one. It doesn't have to be done every single year. Margaret said he does not currently have one for the mobile home. Staff is recommending an order of non-compliance, with a compliance date of July 2, 2018 and a hearing to impose fine scheduled for July 18, 2018.

Mr. Brown said just so I understand, has he ever come into compliance?

Margaret said no.

Mr. Brown said and he was previously violated on this one.

Margaret said because he has a boat and a trailer that don't have tags either.

Mr. Brown said right, but he never came into compliance.

Margaret said so it wouldn't be a repeat violation.

Mr. Brown said I understand that, but is it even a violation now, if it's an ongoing violation that he never came into compliance on.

Margaret said this was never addressed, in any of the previous.

Florida DHSMV mobile and manufactured homes located on your property may qualified to
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be taxed as real property. Margaret said it is; it's also homesteaded. If so, your local tax collector will sell you a permanent, one-time registration sticker for your home. If your home is located on leased property, however it must be registered every year. He doesn't have one.

Mr. Brown asked if there was an order of non-compliance, for this specific violation.

Margaret said no.

Member Wild said that the earlier violation was for a boat.

Mr. Brown said that he understood.

Mr. Condon explained where he got the boat from. He said he bought it to fix up. He said he transferred the title into his name but he didn't register it, because the motor needed work.

The Chairman said this is just for the mobile home without a sticker.

Margaret said it is now; yes.

Mr. Condon said I was supposed to register the mobile home.
The Chairman said yes.

Margaret explained that it's a one-time registration.

Mr. Condon said that he can do that.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of July 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287. (B)** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018133-CONDON DONALD JOHN

Posted

Complaint No. 20180307003

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

Property Location: 1112 Avenue F, Ormond Beach 32174

Parcel No. 422901140190

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

May 16, 2018

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

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Margaret said that she received a complaint because there is no skirting on the mobile home. She said there needs to be skirting on the mobile home.

The Chairman asked if the skirting is a requirement of the permit.

Mr. Nelson said it's a zoning requirement that the building inspectors check for when they do their final inspection.

Mr. Condon asked if he could put the skirting on himself.

Mr. Nelson said that he could do that himself.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of July 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July18, 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.

CEB2018001-DAYTONA BEACH INVESTMENTS INC

Posted

Complaint No. 20180104005

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Hotel/Motel where not permitted and use of premises where not permitted

Property Location: 122 Heron Dunes Dr, Ormond Beach 32176

Parcel No. 320802000360

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on August 23, 2017

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Margaret said that she received the original complaint, back in summer of last year. The case was closed as the advertising was changed to reflect a 30 minimum day stay. Staff recently received a complaint about the property being rented again. Research showed that the property was being rented for less than 30 days, and the case was reopened. Margaret told the board that she automatically referred it, as the respondents were already notified. She posted the property with the notice of hearing because the notices were returned. They were originally May 16, 2018

signed for last year. The property is still being advertised for less than 30 days, as of April 22, 2018; it was updated to say a minimum of a two night stay. Margaret explained that the property is now for sale, so she definitely wants to get the order of non-compliance.

The Chairman asked so it says two days.

Margaret said that they keep changing it, to amounts that are less than 30 days. She said every time I go on there, it's something different.

Member Wild asked if the advertisement is adequate, to prove their point or do they need some kind of affidavit, of someone that can physically see; possibly a neighbor that can testify.

The board and Mr. Brown discussed what constitutes evidence, to back up a violation for short term rental.

Mr. Cino requested an affidavit from the complainant. He said that the add itself is not a violation, its evidence.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of August 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the August 15, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018023-PSAGOT INTERNATL OVADIA INC

Posted

Complaint No. 20171101052

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). (sheds)

Property Location: 164 Laurie Dr, Ormond Beach 32176

Parcel No. 323402000520 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jan 30, 2018

THIS CASE WAS WITHDRAWN.

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CEB2018031-ULSAN LLC

Posted

Complaint No. 20160927039

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).

Have a permit that expired 9/17/17 for replacing 200 amp main service, replace riser, 6 smoke detectors, replacing all switches & outlets

Property Location: 2421 W Lake Dr, Deland 32724

Parcel No. 700103300660

Zoning: R-4

Zoning Compliance Officer - Christopher R. Hooper

Property owner was first notified of the violation on Oct 24, 2016

THIS CASE WAS CONTINUED BY THE BOARD.

CEB2018038-ARRAND DIANA C

Served

Complaint No. 20171110030

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). (several accessory structures in the backyard)

Property Location: 1211 Pine Ridge Dr, Daytona Beach 32117

Parcel No. 423309000110

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Nov 14, 2017

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On November 10, 2017, staff received a complaint about a carpeting business on the above property. An onsite inspection confirmed the violation. The violation is now in compliance but after researching the property it was discovered that there were several accessory structures on the property, that were there without permits and inspection approvals.

A certified notice of violation was received and signed for by Ms. Arrand. A certified notice of hearing was received and signed for by Ms. Arrand. On January 28, 2018, Margaret received a call from Donald Arrand, Ms. Arrand's son. Margaret explained that the accessory structures were not permitted and they were in the 5ft setback area. She then forwarded his call to the permit center for more information on permit requirements.

Margaret explained to the board what had been moved and what had not; using the pictures from her presentation. She said that one of the sheds has been moved and it meets setback requirements, but it is still not permitted. There have been no permit applications to date and the site and conditions remain unchanged. Staff is recommending a finding of non-compliance with a compliance date of, July 2, 2018 and a hearing to

May 16, 2018

impose fine scheduled for July 18, 2018.

The respondent gave her name and address for the record.

Ms. Arrand said that she doesn't know anything about this stuff. She said that she's never even heard of permits. She explained that she never even had experience in this. Ms. Arrand said that she doesn't have any structures, she has a hard plastic shed. She said that the metal one is gone. She said that she came in today, to get the permit taken care of. She explained that she didn't know that sheds had to have permits, because you put it together yourself.

The Chairman asked when something is considered to be a shed.

Mr. Nelson explained that it's a shed when it can hold two trashcans.
The Chairman asked if the tent structure is still there.

Ms. Arrand said that it's gone.

Margaret said that she's have to go out and check.

The Chairman asked how big the plastic shed is.

Ms. Arrand said 8'6'.

Mr. Nelson said that it needs a permit, but it probably cannot get a permit because it's not rated for wind.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of July 2, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July 18, 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.

CEB2018039-ARRAND DIANA C

Served

Complaint No. 20171110031

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. (accessory structures built without permits that are on the property line)

Property Location: 1211 Pine Ridge Dr, Daytona Beach 32117

Parcel No. 423309000110 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Nov 14, 2017

May 16, 2018

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of August 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the August 15, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-277.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018048-BRAUNSTEIN JORDAN & NGUYEN ELAINE **Served**

Complaint No. 20180110030

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Hotel/Motel where not permitted and use of premises where not permitted

Property Location: 122 Ocean Grove Dr, Ormond Beach 32176

Parcel No. 322104000330 **Zoning: R-4**

Zoning Compliance Officer - Margaret Godfrey

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

THIS CASE WAS CONTINUED.

CEB2018061-HARRIS MICHELLE L **Served**

Complaint No. 20171222023

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: 1545 Granada Av, Daytona Beach 32117

Parcel No. 424219030110 **Zoning: R-5**

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Dec 27, 2017

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On December 18, 2017, staff received a complaint about a vehicle without tags. An onsite inspection on December 22, 2017, confirmed the violation. On December 27, 2017, the notice of violation was received. On February 5, 2018, the notice of hearing was received. Margaret said that every time she goes out there the car is sitting out there.

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Margaret read the abandoned vehicle ordinance. She verified that the car does belong to the property owners.

The Chairman asked if we could just tow it.

Margaret said we don't have the power to tow.

The Chairman clarified that the complainant should have it towed. He said ask the police to ticket it and then it eventually gets towed.

Mr. Brown said that you can, but to his understanding of the policy, is it only gets towed if it's marked, "no parking in the right of way."

Based on the evidence and testimony provided, Member Wright **MOVED to issue an Order of Non-Compliance with a compliance date of August 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the August 15, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018075-SEGREN CHRIS

Posted

Complaint No. 20171222024

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C) Boat and/or trailer improperly parked

Property Location: 1577 Primrose Ln, Daytona Beach 32117

Parcel No. 423303000390

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on January 22, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Staff received a complaint about a boat in the front yard. An onsite inspection confirmed the violation. On January 22, 2018, the property was posted with the notice of violation. The notice of hearing was also posted, as it came back unclaimed. Margaret said when she posted the property with the notice of hearing she noticed the car. She said that she continued the case for the boat, so she could give proper notice for the car.

On April 10, 2018, the certified notice of hearing and the continuance were signed for and that property was also posted. There has been no contact with the property owner and the site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of August 10, 2018 and a hearing to impose fine scheduled for August 15, 2018.

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Based on the evidence and testimony provided, Member Wright **MOVED to issue an Order of Non-Compliance with a compliance date of August 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the August 15, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (C).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018211 – SEGREN CHRIS

Posted

Complaint No: 20180409052

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: 1577 Primrose Ln., Daytona Beach 32117

Parcel No. 423303000390

Zoning: R-4

Zoning Compliance Officer – Margaret Godfrey

Property owner was first notified of violation on January 22, 2018

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 with a compliance date of August 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the August 15, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018094-LOWE WILMA

Posted

Complaint No. 20170726020

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: 969 Rosalie Dr, Daytona Beach 32117

Parcel No. 424401070064

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on October 27, 2017

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On July 21, 2017, we received a lot maintenance complaint, and upon inspection found the vehicles. The property has been posted as the mail keeps coming back unclaimed. It appears someone is living there; May 16, 2018

the neighbors say it's the son and he's not taking care of her property. Margaret said that she has not found anything that says if she's alive or dead.

She said that she's posted the property a couple times. There's been no contact with anyone regarding the property and the cars are still there. Staff is recommending a finding of non-compliance with a compliance date of August 10, 2018 and a hearing to imposed fine set for August 15, 2018.

Member Needham asked if the cars would be considered abandoned.

Margaret said yeah; there's no tags or anything.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of August 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the August 15, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018095-RABITAILLE REGINA & BRIAN

Served

Complaint No. 20180116040

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

Property Location: 27 Seaside Dr, Ormond Beach 32176

Parcel No. 323405000130 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jan 19, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. In January of 2018, staff received a complaint about a trailer parked on the front lawn. The inspection on January 11th, confirmed the violation. The notice of violation was received on January 19, 2018 and the notice of hearing was received on February 26th. As of April 24th, the trailer was still there. There has been no contact with the property owner. The trailer is still there. Staff is recommending a finding of non-compliance, with a compliance date of August 10, 2018 and a hearing to impose fine scheduled on August 15, 2018.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an Order of Non-Compliance with a compliance date of August 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the August 15, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (C).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice May 16, 2018

vote.

CEB2018100-ZIMMERMAN MICHAEL & ARLENE

Served

Complaint No. 20180126009

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C) Boat and/or trailer improperly parked

Property Location: 14 Oakview Cir, Ormond Beach 32176

Parcel No. 322805000290

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jan 30, 2018

THIS CASE HAS BEEN WITHDRAWN.

CEB2018111-BOWEN DONNA K & KEVIN C

Served

Complaint No. 20180108044

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: 1449 Wildrose Ln, Daytona Beach 32117

Parcel No. 423314000070

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

THIS CASE HAS BEEN WITHDRAWN.

CEB2018112-BOWEN DONNA K & KEVIN C

Served

Complaint No. 20180108045

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: 1449 Wildrose Ln, Daytona Beach 32117

Parcel No. 423314000070

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

THIS CASE HAS BEEN WITHDRAWN.

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CEB2018114-AMIS RUSSELL & DEBORAH

Served

Complaint No. 20171115006

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: 1941 Henderson Rd, Ormond Beach 32174

Parcel No. 412401000370

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Nov 18, 2017

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On November 14, 2017, staff received a complaint about the condition of the property. The complaint originally started with someone living in the RV. The RV is now gone. The house itself is in really poor condition. The certified notice of violation was received on November 13, 2017 and on March 2, 2018 the notice of hearing was received; the notice was signed for by Ms. Amis. There has been no further contact with the property owners and the site and conditions remain unchanged.

The Chief Building Official, Kerry Leuzinger, was on the property; staff is recommending a finding of non-compliance and order of dismissal for the dilapidated, single family residence because it's going to be referred to the CLCA. Staff recommends a finding of non-compliance with a compliance date of July 2, 2018 and a hearing to impose fine scheduled for July 18, 2018, for the junk in the yard.

The respondent gave his name and address for the record. He said all of the stuff in the picture is gone now. He said as far as the house, there's not been any work done on it. The only thing that it needs is a roof and I have to get a permit and a land survey. He said that his wife moved to Colorado to help take care of her father and he's been coming back and forth.

The Chairman asked if Mr. Amis was living there.

Mr. Amis said he is.

It was explained to Mr. Amis that he didn't need a survey for the roof.

Mr. Amis explained that he was told that he needed a land survey before he could pull any kind of permit.

May 16, 2018

The Chairman explained to Mr. Amis that the structure appears to not be habitable.

Mr. Amis said that the foundation is strong, that it's just cosmetic.

The board talked about the permitting process with Mr. Amis. They discussed a possible timeline.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an Order of Non-Compliance with a compliance date of July 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July 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.

CEB2018115-AMIS RUSSELL & DEBORAH

Served

Complaint No. 20171115005

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

Property Location: 1941 Henderson Rd, Ormond Beach 32174

Parcel No. 412401000370

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Nov 18, 2017

The respondent was 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 with a compliance date of July 2, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018119-TOM KYLE ROBERT

Served

Complaint No. 20161205015

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). (Re-roof)(Expired fence permit #20161206006)

Property Location: 123 Esmeralda Av, Daytona Beach 32118

Parcel No. 533501050290

Zoning: R-9

Building Compliance Officer - Beverly J Abrahamson

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

The respondent was not present for the hearing.

Beverly Abrahamson, Compliance Officer, presented the case. This case began in December of 2016. Building Inspector, Frank Godawa, found an unlicensed contractor putting on a new metal roof with no evidence of permits or inspection approvals. Frank spoke with the homeowner about the requirement for a permit and the inspection approvals. A permit was issued on December 6, 2016; two of the three inspections were completed but the final inspection was never scheduled. The permit expired on June 8, 2017.

Beverly said that she spoke to the property owner about the expired permits. She said to date, the permit is still expired and there has been no final inspection approval. The notice of violation was mailed and signed for on December 15, 2016 and the notice of hearing March 8, 2018. Staff is recommending a finding of non-compliance, with a compliance date of July 6, 2018 and a hearing to impose fine scheduled for July 18, 2018.

Mr. Cino asked if the work had been done.

Beverly said yes it had.

Mr. Cino said that they just need to call in their final inspection.

Beverly said correct.

Mr. Cino asked if Beverly told the respondent that all they need is a final inspection.

She said yes I did. Beverly explained that she had talked to the respondent several times, but they still had not scheduled a final inspection.

Based on the evidence and testimony provided, Member Wild MOVED **to issue an Order of Non-Compliance with a compliance date of July 6, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July 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.

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CEB2018120-ALEXANDER ANDREW P III & CONSTANCE A Served

Complaint No. 20171219041

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). (outdoor shower)

Property Location: 11 Ocean Crest Dr, Ormond Beach 32176

Parcel No. 322704000060 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

THIS CASE HAS BEEN CONTINUED.

CEB2018121-GARCIA IRENE

Served

Complaint No. 20170113005

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). (detached carport/open wood structure, mobile home attachments)

Property Location: 301 Lake Mamie Rd, Deland 32724

Parcel No. 603817040250 Zoning: MH-5

Building Compliance Officer - Beverly J Abrahamson

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

The respondent was present for the hearing.

Beverly Abrahamson, Compliance Officer, presented the case. This case began in January of 2017. An inspection on January 10, 2017, conformed the violation. After further research, staff found that there was an expired permit with no inspection approvals; for the demolition of a mobile home in January of 2015. There was an expired permit for a replacement mobile from September 2015; both of these violations are in compliance. It was also discovered that there were additions to the mobile home, with no evidence of permits or inspection approvals.

On May 3, 2018, Beverly was told that the detached carport and the open-wood structure would be torn down. These structures did not meet the setback requirements. As of a May 10, 2018 inspection, the structures still exist. There is no evidence of permits or inspection approvals. There have been no new applications submitted to date, for the additions to the mobile home.

The notice of violation was received on January 17, 2017 and the notice of hearing was received on March 7, 2018. Beverly's last inspection was on May 10, 2018 and it confirmed the site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of July 6, 2018 and a hearing to impose fine scheduled for July 18, 2018.

May 16, 2018

The respondent gave her name and address for the record. Ms. Garcia said that they took down the carport. She provided pictures for the board to look at.

Beverly said that she'll do another inspection.

The Chairman asked if there were other structures that needed to be permitted or taken down.

Beverly said that there were attachments to the mobile home.

Beverly explained the attachments using her pictures.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an Order of Non-Compliance with a compliance date of July 6, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July 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.

CEB2018125-VANCE ANTHONY J ETAL

Served

Complaint No. 20171114029

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: 42 Margaret Rd, Ormond Beach 32176

Parcel No. 323403000670 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Mar 03, 2018

THIS CASE HAS BEEN WITHDRAWN.

May 16, 2018

CEB2018126-MCCRANEY BARBARA

Served

Complaint No. 20140529005

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). (electric and plumbing)

Property Location: 195 E Country Circle Dr, Port Orange 32128

Parcel No. 623502010100

Zoning: RC,RR

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Mar 03, 2018

The respondent was not present for the hearing.

Beverly Abrahamson, Compliance Officer, presented the case. This case began on May 29, 2014, when Building Inspector, Frank Godawa found an interior renovation in progress, with no evidence of permits or inspection approvals. Beverly explained what the work included. A permit was issued for the HVAC change-out and was finalized on November 6, 2014. Another permit was issued on July 2, 2014, for the electric. The permit was valid until December 29, 2014. There were two inspections scheduled; both did not pass. The permit expired on December 30, 2014. Another permit was issued on July 10, 2014, for interior renovations. The permit was valid until January 3, 2015. All inspections were approved, except for the final inspection. The permit expired on February 26, 2015.

On November 26, 2014, Building Inspector, Dale Smith, found a new shed that had been placed on the property without permits and inspection approvals. The notice of violation was posted onsite on August 29, 2014. The notice of hearing was signed for on March 3, 2018. The notice for the shed was received on December 3, 2014. The notice of hearing was signed for on March 3, 2018. Staff is recommending a finding of non-compliance, with a compliance date of July 6, 2018 and a hearing to impose fine scheduled for July 18, 2018.

Member Wild asked if the electrical had two inspections and did not pass.

Beverly said yes.

Member Wild asked if anything had happened with the electrical since.

Beverly said no.

Mr. Nelson asked if it was occupied.

Beverly said yes. She said that Ms. McCraney has called and said that she will take care of the violations right away. Beverly said as of this morning, there was nothing in the system.

May 16, 2018

Mr. Nelson said that we need to do a 10 day notice, for a safety affidavit.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of July 6, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. The board further ordered that and electrical inspection be performed within 10 days of this hearing, by a certified electrician. If the inspection does not pass the power is to be disconnected.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018127-MCCRANEY BARBARA

Served

Complaint No. 20141202030

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)

Property Location: 195 E Country Circle Dr, Port Orange 32128

Parcel No. 623502010100

Zoning: RC,RR

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Dec 03, 2014

The respondent was not present for the hearing.

Beverly Abrahamson, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of July 6, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. The board further ordered that and electrical inspection be performed within 10 days of this hearing, by a certified electrician. If the inspection does not pass the power is to be disconnected.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

May 16, 2018

CEB2018128-KIRK PHYLLIS J

Served

Complaint No. 20161114051

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). (Structural & roofing, wood structure attached overhang in-process)

Property Location: 917 Shady Park Ter, Daytona Beach 32117

Parcel No. 520201000440

Zoning: R-4

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Nov 17, 2016

The respondent was present for the hearing.

Beverly Abrahamson, Compliance Officer, presented the case. This case began on November 14, 2016. Building Inspector, Frank Godawa, found a wood structure with an attached roof overhang; under construction with no evidence of permits or inspection approvals. The notice of violation was received on November 17, 2016. An application for a permit was submitted January 24, 2017; the application was never issued. Zoning requested additional information, which was never submitted. The application was cancelled due to lack of activity. The notice of hearing was received on March 3, 2018.

Beverly said that she spoke to Ms. Kirk on April 27, 2018. Ms. Kirk explained that she hired a surveyor and an engineer to complete the required drawings. An extension request was submitted Tuesday but a new permit application will be required. The cancelled permit will not be reopened. Staff is recommending a finding of non-compliance, with a compliance date of July 6, 2018, and a hearing to impose fine scheduled for July 18, 2018.

The respondent gave her name and address for the record. Ms. Kirk said that she has a survey and an abstract.

The board and staff explained the permitting process to Ms. Kirk.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of July 6, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July 18, 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.

May 16, 2018

CEB2018157- HOUSLEY RL

Served

Complaint No: 20171113016

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

Property Location: E Minnesota Av, Orange City 32763

Parcel No: 800200000115 Zoning: R-4

Zoning Compliance Officer – Michael Mazzola

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

THIS CASE HAS BEEN CONTINUED.

CEB2018134-STILTNER KERI LYNN

Posted

Complaint No. 20180214023

Violation of CODE OF ORDINANCES, CHAPTER 22-2, 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. (Concrete block wall with electricity and without permits)

Property Location: 1427 John Anderson Dr, Ormond Beach 32176

Parcel No. 323411010250 Zoning: R-3

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on March 9, 2018

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On January 3, 2018, staff received a complaint about vehicles improperly parked on the above referenced property. An onsite inspection, confirmed the violation. On January 26, 2018, the certified notice of violation was received and signed for by Ms. Stiltner. On February 14, 2018, staff received an e-mail from Frank Godawa, Building Inspector, who stated that there was a wall being built and he didn't think there were permits.

During an onsite inspection, Margaret spoke with the gentleman building the wall and he stated that he was using the original footers; he said was told by someone in permitting, that as long as he was doing that he was okay. Margaret stated that she didn't believe that the wall was ever permitted to begin with. Research showed that the wall was never permitted and the gentleman building the wall, never called to confirm that it was and finished the wall.

The certified notice of hearing was returned unclaimed, so the property was posted for the hearing on March 9, 2018. Margaret discovered the trailer at that time. On April 24, 2018, the notice of hearing for the trailer and the improperly parked vehicle, were hand-delivered.

May 16, 2018

The trailer was parked next to the driveway, however and did not meet setback requirements. A permit was issued for the wall but it's an after the fact; it expires October 22, 2018. Margaret said for clarification, the last couple times she's been out there, she has not seen the trailer and she didn't know when it was removed.

She said for the trailer she would like to recommend an, "Order of Non-Compliance and Order of Dismissal." Margaret said as for the car violation, staff is recommending a finding of non-compliance with a compliance date of July 6, 2018 and a hearing to impose fine scheduled for July 18, 2018. She said as of two days ago, the car was still parked on the front lawn. She said for the wall, she'd like to recommend a finding of non-compliance, with a compliance date of October 22, 2018 and a hearing to impose fine scheduled for November 21, 2018.

The Chairman asked if the concrete block wall had electricity.

Margaret said there're lights on it, but they're solar powered.

Mr. Stiltner said that she has received the permit for the concrete block wall.

The Chairman asked which vehicles in the pictures, were improperly parked.

Margaret said both; she said either one or the other will be parked there.

Ms. Stiltner said that the trailer is gone and they just received the permit to start their driveway. She said that the driveway that she had you have to back up on John Anderson and it's dangerous. Ms. Stiltner explained what the driveway will look like and where it will be placed.

The Chairman said so what we have here, is improperly parked vehicles, but we're going to slip a driveway underneath them.

Ms. Stiltner said yes. She said we're starting it, but it's going to take some time.

The Chairman asked about staff's recommendation on the wall. Margaret explained her recommendation to the board. She said that she wanted to make sure that it had inspection approvals because it doesn't appear to meet site plan. She said there is a gate on it and on the site plan itself, there is no gate. The fence is also 5ft tall in the areas with the lights, and it's only supposed to be 4ft tall. She said technically, it's not in compliance at all.

Ms. Stiltner said we've received the permit. We are not completely finished with the wall, so it's not ready for inspection yet. She said that it's built with the rebar; everything is up to code. Ms. Stiltner said that we just have to revise where we put a gate in the back. She
May 16, 2018

said that the foundation was already there, and we rebuilt it, not knowing that it was never permitted from 1957. She said, once we figured that out we received the permit, so that the wall doesn't go against any codes.

The respondents discussed what they need to do, to make the wall compliant.

Margaret said the issue with the wall, as it stands is that there was a permit issued for the wall, but it should not have been issued because the site plan does not match the wall. She said so it technically is not in compliance; whether there is a permit or not, it is not in compliance.

Member Needham asked if it could ever be in compliance and what would need to happen to make it compliant.

Margaret said they would have to revise the site plan, come back in with a revision. She said that it won't pass anyway because it's too tall and the gate is there; according to the site plan, it won't match.

The Chairman explained that there needed to be a permit for the old wall, before you could build a new one. He explained that when they call for inspection since the wall is complete, that it may not pass.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 22, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the November 21, 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.

CEB2018138-STILTNER KERI LYNN

Posted

Complaint No. 20180109009

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). (Remodel/renovations)

Property Location: 1427 John Anderson Dr, Ormond Beach 32176

Parcel No. 323411010250

Zoning: R-3

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on March 9, 2018

The respondent was present for the hearing.

Beverly Abrahamson, Compliance Officer, presented the case. This case began on January 9, 2018, when Building Inspector, Frank Godawa, found work in progress with no May 16, 2018

evidence of required permits and inspection approvals. Work includes the enclosure of a screened-in sunroom in the front, Northwest corner of the single-family residence. Beverly explained what the property appraiser's site had on record versus what has been added to the property. Beverly explained the other additional work that had been completed on the property.

Beverly said that a stop work order was placed on the property on January 24, 2018, by Frank Godawa. Frank spoke with the property owner and her boyfriend; he explained the importance of permits and inspection approvals. On February 14, 2018, Frank found a block wall being constructed with no evidence of permits and inspection approvals.

On March 13, 2018, an application for a permit was submitted for replacing electrical outlets, replacing one front door and windows. She said that this permit has been placed on hold because it does not include all of the work. On March 28, 2018, an inspection conducted by Margaret Godfrey, found a shed had been placed on the property with no evidence of permits and inspection approvals.

The notice of violation and notice of hearing were posted on site, on March 9, 2018. Staff is recommending a finding of non-compliance, with a compliance date of July 6, 2018 and a hearing to impose fine scheduled for July 18, 2018.

Ms. Stiltner said that she hasn't received anything for the shed. She said that the architect that she is using found a spot on his kidney and she has to wait for him. Ms. Stiltner explained what the architect will be adding to the drawings. She explained what she would be adding in the future and the revisions that would need to take place.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 22, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the November 21, 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.

CEB2018228-STILTNER KERI LYNN

Hand-Delivered

Complaint No. 20180124040

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: 1427 John Anderson Dr, Ormond Beach 32176

Parcel No. 323411010250 Zoning: R-3

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jan 26, 2018

May 16, 2018

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Member Wild asked if the respondents had a permit for the driveway.

Ms. Stiltner said that they do have the permit.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 22, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the November 21, 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.

CEB2018229-STILTNER KERI LYNN

Hand-Delivered

Complaint No. 20180419005

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

Property Location: 1427 John Anderson Dr, Ormond Beach 32176

Parcel No. 323411010250

Zoning: R-3

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Jan 26, 2018

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

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

CEB2018136-MORADO JONATHON & SHEREE

Served

Complaint No. 20170628035

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: 335 Garden St, Deland 32720

Parcel No. 603910100080

Zoning: RR

Zoning Compliance Officer - Christopher R. Hooper

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

THE BOARD CONTINUED THIS CASE.

May 16, 2018

CEB2018140-MIDLAND IRA INC & FBO WILLIAM BOYER IRA Posted

Complaint No. 20180215050

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Hotel/Motel where not permitted and use of premises where not permitted

Property Location: 13 Essex Dr, Ormond Beach 32176

Parcel No. 420305000430 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Feb 23, 2018

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On February 15, 2018, staff received a complaint about a short-term rental on the above mentioned property. Research showed that the property being advertised on BRBO for 3-10 night minimum stay. Further research showed that there was an expired pool fence permit and a pergola, which was featured on the advertisements; without permits and the required inspection approvals. On February 23, 2018, the notice of violation was received. On the same day, staff received a phone call from Mr. Boyer; who wanted to know about the violations. It was explained that the property could not be rented for less than 30 days. Margaret also explained that the fence permit would have to be reopened and re-inspected. She also explained that the pergola would have to be permitted, as the construction was complete.

On April 7, 2018, the notice of hearing was signed for by Dana Boyer. The permit expired May 21, 2017, for the pool fence. On March 16th a permit extension for the fence was requested by Mr. Boyer and it was approved; it expires today or yesterday. Joe Levrault, Chief Building Inspector, inspected the property on the 14th and partially failed it, because the gates were too far off the ground.

Margaret said that the pool appears secure, because there is a 6ft vinyl fence all the way around. She said it was just never called in for inspections.

The respondent gave their address and provided information for the record. Mr. Boyer told Margaret that they did comply with the short-term rental. He said everything is listed now, as monthly rental only.

Margaret said that Mr. Boyer is right and that her recommendation is an, "Order of Non-Compliance & Order of Dismissal," for the short-term rental.

Mr. Boyer said that Joe gave him two recommendations on the fence, as far as the gates. He explained what the recommendations are. He said that they are going to lower the gate over the weekend.

May 16, 2018

The Chairman asked what Mr. Boyer's intentions for the pergola are.

Mr. Boyer said that he was going to do a permit today. He said that the pergola came in a kit and no one told him that they needed a permit for it.

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

CEB2018177-MIDLAND IRA INC & FBO WILLIAM BOYER IRA Posted

Complaint No. 20180220037

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). (pergola)

Property Location: 13 Essex Dr, Ormond Beach 32176

Parcel No. 420305000430 **Zoning: R-4**

Zoning Compliance Officer - Margaret Godfrey

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

The respondent was present for the hearing.

Margaret Godfrey, 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 July 2, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018178-MIDLAND IRA INC & FBO WILLIAM BOYER IRA Posted

Complaint No. 20180220038

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 pool fence permit #20161122069)

Property Location: 13 Essex Dr, Ormond Beach 32176

Parcel No. 420305000430 **Zoning: R-4**

Zoning Compliance Officer - Margaret Godfrey

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

The respondent was present for the hearing.

May 16, 2018

Margaret Godfrey, 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 July 2, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018163- CHIOFALO JACOB D & SHANNON N

Served

Complaint No. 20171107016

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

Property Location: 3928 Oriole Av, Port Orange 32127

Parcel No. 631203001885

Zoning: R-9(S)

Building Compliance Officer - Beverly J Abrahamson

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

The respondent was present for the hearing.

Beverly Abrahamson, Compliance Officer, presented the case. This case began in September of 2017. Contractor Licensing Inspector, Frank Godawa, found repairs to a second story balcony, being repaired or replaced with no evidence of permits or inspection approvals. On May 4, 2017, an application for a permit was submitted for structural repair for the front two story deck. The permit is at ready-issue status, as of today.

Beverly contacted the property owner about the status, of the application for the permit and he stated that he is a school teacher and his wife is busy. He said that they will get into the permit center as quickly as they can to get the permit issued. The notice of violation was received on November 9, 2017 and the hearing notice was signed for March 16, 2018. Staff is recommending a finding of non-compliance, with a compliance date of July 6, 2018 and a hearing to impose fine scheduled for July 18, 2018.

The Chairman asked how long the permit will be in the ready status.

Beverly said until they come pick it up. She explained what she would recommend if they come pick it up.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an Order of Non-Compliance with a compliance date of July 6, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July 18, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member May 16, 2018

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

CEB2018176-RICKY SCHRADER FAMILY LP

Served

Complaint No. 20171030033

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). (multiple structure(s))

Property Location: 475 Pit Bull Rd, Oak Hill 32759

Parcel No. 84360000030

Zoning: A-2,RC

Building Compliance Officer - Beverly J Abrahamson

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

THE BOARD CONTINUED THIS CASE.

CEB2018191-NEELY MARTHA L

Posted

Complaint No. 20140605029

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 All construction requires building permit(s) and inspection approval(s). (Expired permit (19910108033)for detached garage and addition to garage for apartment)

Property Location: 1 Needles Ln, Ormond Beach 32174

Parcel No. 323102000390

Zoning: RR

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Jun 10, 2014

The respondent was present for the hearing.

Beverly Abrahamson, Compliance Officer, presented the case. This case began on June 2, 2014, with a complaint about an unpermitted garage apartment. On June 5, 2014, an onsite inspection confirmed the violation; county staff found a garage apartment with two bedrooms, a bathroom, a living area and a kitchen. After researching the property, staff found a permit from 1991 that was issued on January 11, 1991. There had been an approved monolithic slab inspection and an approved lintel inspection but no framing and final inspection. The permit expired on August 1, 1991. The apartment was added on after the garage was built, according to pictometry. A special exception is required for garage apartments and to date, there has been no application for a special exception or a garage apartment submitted.

Beverly said that Ms. Neely told her that she has hired a contractor. She said that Ms. Neely does have drawings but they're not as-built. Beverly said that Ms. Neely will have to get affidavits as well; as of right now there is nothing submitted. Staff is recommending a finding of non-compliance, with a compliance date of July 6, 2018 and a hearing to impose May 16, 2018

fine scheduled for July 18, 2018.

The Chairman asked Beverly to explain the plans that were in her presentation. Beverly explained where she acquired the pictures in her presentation. She said that she will explain what needs to be done. Beverly said that the back portion was added without permits.

The respondent gave her name and address for the record. Jean Wells gave her name and address for the record. Ms. Wells is the sister of Ms. Neely; she gave her name and address for the record.

Ms. Wells said that the construction for the garage took place first. She said that the work was done by a contractor and it was permitted. She said that later on, her sister hired the same contractor to build the apartment. Ms. Neely assumed that he proceeded as he had done before and had gotten all the necessary permits and inspection approvals. Ms. Wells they only found out that there was a problem, after a tenant had to be evicted. She said that the entire time that the tenant had lived there, there had been no problems; until the tenant had to be removed.

Ms. Wells explained that the building inspector came to the property and explained what needed to be done. She said that her sister has had some very serious health issues, take place in recent years. She said these issues, resulted in intensive care and a respirator. Ms. Wells explained that her sister suffers from hearing loss and Alzheimer's disease.

The Chairman explained what Ms. Neely would have to do to make the garage compliant. He said that the special exception, would be the most difficult part to obtain.

Ms. Wells said that she explained the circumstances is the fact that, Ms. Neely lives on Social Security and she has had some very serious medical expenses. She said in the meantime, that she adopted her grandson, due to need. She said that she had a larger income when he was not 18; when he moved out a large amount of the income was lost. Ms. Neely has not had the funds at all times.

Ms. Wells explained that Ms. Neely purchased windows when she was able, from Lowe's only to find out that they weren't code compliant windows.

The Chairman suggested that they may need to contact a professional like the person that made those plans, to assist with the work.

Beverly said that she told Ms. Martha if she comes into the office, she would walk her over and talk to zoning and walk her through the whole process. Beverly said that she will get with Ms. Wells after the hearing.

May 16, 2018

The Chairman asked Beverly if these apartments were something that were granted.

Beverly said that she had seen them be granted.

Ms. Wells explained that because Ms. Neely is on a fixed income that she would have to prioritize between the expense of this matter, and her medical expenses. She said that what they can do to comply, they are happy to do. Ms. Wells explained that she would be happy to work with staff and make sure that Ms. Neely understands what's going on.

The board discussed having the electrical work in the unit. It was established that the apartment was vacant. Mike Nelson, Building and Zoning Director, suggested that the electrical work needed to be inspected.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of July 2, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the July 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.

CEB2018200-CARTER STEVEN C & MONTERO MELINA

Served

Complaint No. 20180308036

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Hotel/Motel where not permitted and use of premises where not permitted

Property Location: 7 Tarpon Av, Ormond Beach 32176

Parcel No. 321601000090 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

The respondents were present for the hearing. They contested the violation.

Margaret Godfrey, Compliance Officer, presented the case. On March 8, 2018, staff received a complaint about a short –term rental, at the above mentioned property. On the same day, research showed that the property was being advertised, with the explanation that the county was not allowing people to advertise for less than 30 days. The advertisement said if you want to stay less than 30 days, give them a call. Margaret said when you go to request to book the property, it can be booked for less than 30 days.

On March 22, 2018, the certified notice of violation was received. On April 12, 2018, the certified notice of hearing was received. Margaret said that she's received many e-mails from Mr. Carter concerning the violations. He said in one e-mail, that he had changed the website on March 22, 2018, as soon as he got the violation; to read the minimum stay as May 16, 2018

30 nights and he wanted to know if his case could be withdrawn.

On April 17, 2018, research showed that the property was available for 7 night minimum stay and that 30 day rentals were available. He said that you could rent it for less than 30 days, upon request. Margaret said that she and Mr. Carter had been e-mailing back and forth. She explained to Mr. Carter, via e-mail, that the advertisement needs to read, a 30 night minimum stay; you cannot request to book the property for less than 30 days. Mr. Carter said that the county does not have an ordinance stating how he can conduct his business on BRBO. Margaret e-mailed Mr. Carter a copy of the ordinance.

Margaret said as of yesterday, all the advertisements have been removed. Staff is recommending an order of non-compliance and an order of dismissal, as the property appears to be in compliance right now, but it was not brought into within the correction period.

The respondents gave their name and address for the record. Mr. Carter stated that the property was brought into compliance during the correction period. He said the correction period ended on April 7, 2018, and it's never been rented since then.

Margaret said that the correction period was April 2, 2018.

Mr. Carter said that the correction period ended April 7, 2018, and I will be happy to prove that to you.

Member Wild said but there was a period before that, when it was rented for less than 30 days. Is that accurate?

Mr. Carter said yes, before the corrections period ended.

Member Zahn said so the county recognizes that you have come into compliance, but during the time period cited, it was not in compliance. Our typical process is, we'll find in violation for that time, then dismiss. If it comes up again, we have a repeat violation, so that's our process.

Mr. Carter said I understand that.

Margaret showed a screenshot of the advertisement on April 26, 2018.

Mr. Carter said wonderful, there's no ordinance against advertising.

Margaret said yes there is.

Mr. Carter said I went back and listened to the minutes from previous meetings, and your own attorney, Russ Brown said on October 18th that there's nothing wrong with advertising.
May 16, 2018

Margaret said you can advertise, but it has to be for 30 days or more; not for less than 30.

Mr. Carter said I don't believe that's the case, I think we're making up our own rules here.

Russ Brown, Assistant County Attorney, said the advertisement is just evidence, substantial competent evidence, that the board requires as to whether there's a violation. He said I don't believe we have an ordinance about advertisements, I don't disagree with that, and it's just whether the advertising is less than 30 days. It would be the violation for how we govern the short-term rentals, under our definition of hotel/motel; thirty days or less for transient lodging. I believe you're correct there is no ordinance for actual advertising, like you're saying, but it's just evidence as to whether there was a violation of the definition of hotel/motel.

Mr. Carter said he has plenty of evidence that there was no violation. He said that he'd also like to talk about this hotel/motel. He said that even when he did rent it for less than 30 days, prior to April 7th, he believes that he is completely in his rights to do so. He said that the only thing that can be brought forth to say that it can't be rented for less than 30 days is the definition of hotel/motel. Mr. Carter said that he does not believe that his property, meets the definition of hotel/motel. He said that he's researched this and talked to a couple different lawyers and would be happy to share his research.

Mr. Carter said that he believes that the definition of hotel/motel refers to a building and the intent of that building and the primary use of that building. He said that building is our home; I live there, my wife lives there. He said that we built the house and it was just finished on January 15th. He said that it's not homesteaded yet, because we missed the deadline. Mr. Carter that we are moving into the house.

Mr. Carter said he'd like to know why he's here, as he has the right to rent his property.

Mr. Cino explained that the Code Enforcement Board, is not a legislative body; we do not make the laws, this is an enforcement body. He said that the county council makes the laws. He said you may be right, or you may not be right. We don't have the authority to change the statute. We enforce the law as we see it and that has been the interpretation of hotel/motel over the years. He advised Mr. Carter to speak with the county council, if he wants the law changed or if you feel it's not being interpreted correctly. Our role is simply enforcement, you're in compliance now there's no more violation.

Mr. Carter said there's still the principal here. I don't want to be held in non-compliance.

Mr. Brown said that he agrees with Mr. Cino but he would point him to one case. Scully V. the County of Volusia; this is all been litigated. Mr. Brown gave Mr. Carter, the case number. He explained that the definition of how we do this was upheld and you can
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educate yourself.

Mr. Cino explained that the non-compliance is not an encumbrance on his property.

Mr. Carter explained that if he gets another complaint then he'll have to come back, due to a finding of non-compliance. He said then he would have a repeat violation and he will have to prove to the board that nobody was there, that wasn't allowed to be.

The board explained to Mr. Carter that they handle the enforcement of the ordinance.

Mr. Carter explained that he just wanted to be heard.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance and an Order of Dismissal; recognizing that they are no longer in violation and we dismiss the case.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018205-WARWICK ARLINE

Posted

Complaint No. 20180405018

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). (Including, but not limited to, shed, block wall, plumbing, electrical)

Property Location: 4211 S Peninsula Dr, Port Orange 32127

Parcel No. 631204004250 Zoning: R-3(S)

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on April 5, 2018

The respondent were present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On March 29th, staff received a complaint about poorly maintained conditions, at the above mentioned property; causing the septic tank to back up into the house and the electric to short out. A March 29th and April 4th, inspection confirmed the violations, as the tenants let Margaret in. She said that she e-mailed the health department, but she's not sure if they've been out there or not.

The notice of hearing was mailed and the property was also posted, with the notice of violation/request for hearing. Margaret said that to her, it was a life/safety issue and she explained that she would show the board the wiring.

On April 17th, she received a phone call from Ms. Warwick; she wanted to know what exactly the violations were. Margaret explained the issues with the new breaker box, the old exposed wiring and the plumbing pipes that were cut; replaced and rerouted. Margaret May 16, 2018

said now there appears to be improper drainage. Ms. Warwick stated that she had a licensed contractor to do the work, but there were no permits pulled for any of this. Ms. Warwick said that she would get ahold of a contractor immediately.

Margaret said that since then, she received a phone call from the tenants, who have since moved out because the septic was backing up into the apartment again. She said that she has not been able to go in and confirm that because they're not there anymore.

On May 14th, Margaret called the Health Department again, but she hasn't heard anything from them. There have been no permit application submitted to date, and the site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of July 2, 2018 and a hearing to impose fine scheduled for July 18, 2018. Staff is also recommending that the electrical work be inspected by a Florida state licensed contractor to verify the safety of the electrical installation. A notarized affidavit stating these facts, must be submitted to the Chief Building Official within ten days or the power be shut off. Staff is also recommending that the property remain vacant, due to the electrical and septic issues.

Member Needham asked if the building is occupied at this time.

Ms. Warwick said that it is not.

Margaret and the respondent explained the 8ft wall in Margaret's pictures. They verified that the wall is on a neighbor's property.

The respondent gave her name and address for the record. Ms. Warwick explained that she has a plumbing permit. She said after the hurricanes she had three roofs to repair and the whole mess. She said that she thought she had someone pull the permits. Ms. Warwick explained that the roofer had pulled permits and other permits. She said that the septic has backed up and there are many septic tanks on that street that are backing up after the hurricanes. She said that the people have left and since they have been gone, she has checked the septic and there doesn't seem to be a problem.

Ms. Warwick explained that she does have a permit for the plumbing and I don't know what the original people did. I just took it for granted that they were doing what they were supposed to do. She said that she does have a survey that shows that the wall is not on her property. She said that she's been in contact with Rick While Electrical, and he is going to work with her; she said that he's a licensed electrician. She said that there is nobody in the house, at this time.

The Chairman talked with Ms. Warwick about the state of the electric.

Ms. Warwick explained that she hired the contractor to take care of the electric and she
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doesn't know anything about it. She said apparently, he didn't follow through with the permitting.

The Chairman asked if there was plumbing work, before the permit was pulled.

Margaret said yes. She explained that the pipe was cut and rerouted; she said that it's in the ground. Margaret explained how the septic had been altered to the board.

The Chairman asked about the boarded up windows that were featured in Margaret's presentation.

Ms. Warwick explained that two windows were broken and that the rest were boarded because of the hurricane. She said that they didn't tell her that they were boarding them. Ms. Warwick said that there are two broken ones that need to be replaced. She asked if she needed a contractor to replace the windows.

The Chairman explained what Ms. Warwick would need to do to replace the windows.

Margaret said that she would explain what Ms. Warwick would need to do about the windows.

The board asked about the wall.

Margaret said that she would check the wall but that there were, also other building violations on the property.

The Chairman verified that the property would remain vacant, until the electrical and plumbing issues are resolved.

Ms. Warwick agreed that the property would remain vacant.

The Chairman specified that the property must remain vacant, until after the final inspection.

Ms. Warwick asked how long she had to get the permit for the electrical.

Margaret said as soon as humanly possible.

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

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

CEB2018206-WARWICK ARLINE

Posted

Complaint No. 20180405020

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

Property Location: 4211 S Peninsula Dr, Port Orange 32127

Parcel No. 631204004250

Zoning: R-3(S)

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on April 5, 2018

The respondent were 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 July 2, 2018, and a Hearing to Impose Fine/Lien to be scheduled for the July 18, 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.

CEB2018227-MELVIN CONSTANCE TR

Served

Complaint No. 20180307054

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

Property Location: 305 S Kepler Rd, Deland 32724

Parcel No. 701111120075

Zoning: R-3C

Zoning Compliance Officer - Michael Mazzola

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

THIS CASE WAS WITHDRAWN.

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IX. Requests for Discussion of Fines

CEB2017349- PAGNOTTI JOSEPH R

Posted

Complaint No: 20140513018

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA CHAPTER CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Expired electric permit 20131101003 & propane tank installation)

Property Location: 2 Sea Oats Ter, Ormond Beach 32176

Parcel No. 321605010840

Zoning: R-4

Building Compliance Officer – Beverly J Abrahamson

Property owner was first notified of the violation on Sep 16, 2015

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

*Order of Non-Compliance/Impose Fine on February 21, 2018

* A report and Affidavit of Compliance was submitted with a compliance date of April 2, 2018

* Order of Compliance was issued at the April 18, 2018 hearing;

Request for Discussion of Fine/Lien \$550.00

The respondent were present for the hearing.

Chris Hutchison, Code Administration Manager, presented the case. Kerry Leuzinger, Chief Building Official, recommends that the lien of \$550.00 be excused, because it was the responsibility of the electrical contractor to request the final inspection. The property owner ended up bringing the property into compliance.

The Chairman asked Chris is he supported the reduction of the lien.
Chris said yes.

The Chairman asked if the electrical contractor had been held accountable and if this was habitual.

Mr. Nelson said that he was not sure if it was habitual. He said that he was sure, that Kerry looked into it. He said if he is a state licensed contractor it's not our board. We handle local-licensed.

Based on the evidence and testimony provided, Member Wright **MOVED to reduce the fine to \$0.00.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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- 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 12:43 p.m.

Respectfully submitted,

Meghan Lindsey
Code Enforcement Board Clerk

May 16, 2018

CERTIFICATE

**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 _____, 2017, in the City of DeLand, County of Volusia, State of Florida.

**Meghan Lindsey
Code Board Clerk**

May 16, 2018