



**VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES**

**June 16, 2021**

**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  
Andrew Hall, Vice-Chair  
Vikki Leonard  
Donald Needham  
Pete Zahn  
Rick Dwyer  
Charles Cino, Board Attorney**

**MEMBERS ABSENT**

**Clement Nadeau**

**STAFF PRESENT**

**Chris Hutchison, Code Compliance Manager  
Isiah Pitts, Code Compliance Officer  
Peter Hinson, Code Compliance Officer  
Fred Eastwood, Code Compliance Officer  
Debbie Zechnowitz, Code Compliance Officer  
Sebrina Slack, Assistant County Attorney  
Samantha West, Environmental Specialist III  
Julie McCrystal, Environmental Specialist II  
Kerry Leuzinger, Chief Building Official  
Ramona Jones, Code Board Clerk  
Tom Legler, Deputy Building Official**

**\* \* \* \* \***

**APPROVAL OF MINUTES**

**Member Needham moved to approve the minutes from the May 19, 2021 hearing. Member Leonard seconded the motion which carried unanimously by voice votes.**

**\* \* \* \* \***

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

June 16, 2021

## IX. Unfinished Business

### **CEB2018332 - LUZGAR ROGER J**

**Served**

Complaint No. 20130730013

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 all construction requires building permit(s) and inspection approval(s). (Renovations/Remodel)

Property Location: 3876 Pioneer Tr., New Smyrna Beach 32168

**Parcel No. 721100000051**

**Zoning: A-1**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Aug 28, 2013

\*Order of Non-Compliance issued at the October 21, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the November 18, 2020 hearing:

\*Final Order Imposing Fine Lien issued at the February 17, 2021 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of May 18, 2021:

#### **Order of Compliance**

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

### **CEB2020233 - COLLINS BRIAN M**

**Served**

Complaint No. 20200925051

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Accessory use or structure: Shipping container converted to storage

Property Location: 460 Guise Rd, Osteen 32764

**Parcel No. 921600000410**

**Zoning: A-1**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on 10-5-20

\*Order of Non-Compliance issued at the December 16, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the April 21, 2021 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of May 27, 2021:

#### **Order of Compliance**

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

June 16, 2021

**CEB2018521 - REDDIN CORREAN**

**Served**

Complaint No. 20181129009

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: 725 Parque Dr, Ormond Beach 32174

**Parcel No. 424220290040**

**Zoning: R-5**

**Code Compliance Officer - Robert Chayer**

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

\*Order of Non-Compliance issued at the February 19, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

\*2nd Amended Order of Non-Compliance issued at the August 19, 2020 hearing:

\*3rd Amended Order of Non-Compliance issued at the December 16, 2020 hearing:

\*4th Amended Order of Non-Compliance issued at the April 21, 2021 hearing:

**Hearing to Impose Fine/Lien**

Tyler Brown, Attorney, was present via Webinar at the hearing for this case.

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert stated this was a case for a structure that burnt and the homeowner hired a contractor to take care of it, the contractor took the money and now there is a lawsuit going on. Robert showed an email from the attorney stating where they are at with the lawsuit.

Mr. Brown said they are currently in litigation with the previous contractor and they are waiting for a trial date to be set.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an 5th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE, with a Hearing to Impose Fine set for the September 15, 2021 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2019345 - KNIGHT TERRY JR**

**Served**

Complaint No. 20191003002

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). ((accessory structures, electrical, plumbing, may not be a complete list  
Property Location: 1325 Pell Rd, Osteen 32764

**Parcel No. 833000000160**

**Zoning: A-1**

**Code Compliance Coordinator - Margaret Godfrey**

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

\*Order of Non-Compliance issued at the October 21, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the November 18, 2020 hearing:

\*2nd Amended Order of Non-Compliance issued at the January 20, 2021 hearing:

\*3rd Amended Order of Non-Compliance issued at the February 17, 2021 hearing:

\*4th Amended Order of Non-Compliance issued at the March 17, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret said permits were submitted and are still valid.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an 5th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the September 15, 2021 hearing.** After Member Zahn **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2020042 - COLLINS BRIAN M**

**Served**

Complaint No. 20191007032

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

Property Location: 460 Guise Rd, Osteen 32764

**Parcel No. 92160000410**

**Zoning: A-1**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on 3-16-20

\*Order of Non-Compliance issued at the December 16, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the April 21, 2021 hearing:

**Hearing to Impose Fine/Lien**

Brian Collins was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated that on April 23<sup>rd</sup> an application came in and an email was sent to the contractor as the application was incomplete. On May 19<sup>th</sup> the Contractor called and said they are waiting to name the subcontractors, the application is valid until October 20<sup>th</sup>.

Mr. Collins said he has hired an engineer and the plans are being drawn up, the engineer will also be the GC. He added that he is having a hard time finding a contractor right now. Mr. Collins said he had to sue the original contractor because they took the money and ran.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the July 21, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2020075 - Robert Charron**

**Posted**

Complaint No. 20200313005

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

Property Location: 1411 Alden St, Deland 32720

**Parcel No. 694413001040                      Zoning: RR**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on 3-22-21

\*Order of Non-Compliance issued at the May 19, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated on his last inspection the property remains in violation.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing July 22, 2021 and to continue until compliance is achieved, but not to exceed \$19,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2020114 - William F Bohlen**

**Served**

Complaint No. 20191212011

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits / inspections or approvals.

Property Location: 1585 N Kepler Rd, Deland 32724

**Parcel No. 602601000681                      Zoning: I-1A**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Dec 12, 2019

\*Order of Non-Compliance issued at the May 19, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated his last inspection was on 6-14-2021 and there has been no permits applied for and the property remains in violation, Isiah showed photos of the progression of work being done without permits.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing July 22, 2021 and to continue until compliance is achieved for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2020143 - HOUNSOM SUSAN E**

**Served**

Complaint No. 20200615064

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

Property Location: 811 Garfish Ave, New Smyrna Beach 32169

**Parcel No. 850501700180**

**Zoning: R-9W**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Jun 22, 2020

\*Order of Non-Compliance issued at the January 20, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Margaret Godfrey, code compliance and Todd Hannah presented both the cases together. Margaret went over the case details, showing photos. Margaret stated there have been permit applications in place but they are still in the review process because she has gone through a few contractors and she has finally got another one. There is an application to combine the lots and they are still in the zoning review process at this time.

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing July 22, 2021 and to continue until compliance is achieved, but not to exceed \$86,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2020138 - HOUNSOM SUSAN E**

**Served**

Complaint No. 20200727058

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. Specifically, constructing a dock on site without the necessary permits.

Property Location: 811 Garfish Ave, New Smyrna Beach 32169

**Parcel No. 850501700180**

**Zoning: R-9W**

**Environmental Specialist II - Todd Hannah**

Property owner was first notified of the violation on 8-4-20

\*Order of Non-Compliance issued at the January 20, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing July 22, 2021 and to continue until compliance is achieved, but not to exceed \$86,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

June 16, 2021



**CEB2020157 - CARDONA LESLIE**

**Served**

Complaint No. 20200319043

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

Property Location: 156 Mae St, Oak Hill 32759

**Parcel No. 950600011390**

**Zoning: MH-5**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Jun 04, 2020

\*Order of Non-Compliance issued at the March 17, 2021 hearing:

\*1st Amended Order of Non-Compliance issued at the April 21, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Margaret Godfrey, code compliance, presented the 3 cases together. Margaret went over the case details, showing photos. Margaret stated the property remains in violation and she has had no further contact with Ms. Cardona.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$25.00 per day/per case commencing July 22, 2021 and to continue until compliance is achieved, but not to exceed \$3,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2020158 - CARDONA LESLIE**

**Served**

Complaint No. 20200602014

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

Property Location: 156 Mae St, Oak Hill 32759

**Parcel No. 950600011390**

**Zoning: MH-5**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Jun 04, 2020

\*Order of Non-Compliance issued at the March 17, 2021 hearing:

\*1st Amended Order of Non-Compliance issued at the April 21, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$25.00 per day/per case commencing July 22, 2021 and to continue until compliance is achieved, but not to exceed \$3,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C).** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2021008 - CARDONA LESLIE**

**Served**

Complaint No. 20210107059

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

Property Location: 156 Mae St, Oak Hill 32759

**Parcel No. 950600011390**

**Zoning: MH-5**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on 1-11-21

\*Order of Non-Compliance issued at the March 17, 2021 hearing:

\*1st Amended Order of Non-Compliance issued at the April 21, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$25.00 per day/per case commencing July 22, 2021 and to continue until compliance is achieved, but not to exceed \$3,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b).** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2020235 - PINTO FRANKLIN**

**Posted**

Complaint No. 20200210095

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

Property Location: 605 Miles St, Deland 32720

**Parcel No. 702006050070**

**Zoning: R-4**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Jul 08, 2020

\*Order of Non-Compliance issued at the January 20, 2021 hearing:

\*1st Amended Order of Non-Compliance issued at the March 17, 2021 hearing:

\*2nd Amended Order of Non-Compliance issued at the April 21, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated there were requirements that were given to the property owner. Margaret added that nothing has been applied for and she has had no contact with the owner.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day commencing July 22, 2021 and to continue until compliance is achieved, but not to exceed \$12,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2020237 - JESKE FRANK D ETAL**

**Served**

Complaint No. 20200821017

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: 3216 S Peninsula Dr., Daytona Beach 32118

**Parcel No. 533501100230**

**Zoning: B-7**

**Environmental Specialist II - Todd Hannah**

Property owner was first notified of the violation on DW C-19 1810 10-5-20

\*Order of Non-Compliance issued at the November 18, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the December 16, 2020 hearing:

\*2nd Amended Order of Non-Compliance issued at the January 20, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Todd Hannah, Environmental Specialist and Debbie Zechnowitz, Code Compliance presented the cases together. Todd went over the case details, showing photos. Debbie stated there is a permit application in review and it is valid until November 2021.

Todd stated that his recommendation was the same as Debbie's for a 3<sup>rd</sup> amended order.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884, with a Hearing to Impose Fine set for the December 15, 2021 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2020239 - JESKE FRANK D ETAL**

**Served**

Complaint No. 20200626026

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Dock, accessory structure(s) and any construction not specifically listed

Property Location: 3216 S Peninsula Dr, Daytona Beach 32118

**Parcel No. 533501100230**

**Zoning: B-7**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on Oct 03, 2020

\*Order of Non-Compliance issued at the November 18, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the December 16, 2020 hearing:

\*2nd Amended Order of Non-Compliance issued at the January 20, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Debbie Zechnowitz, Code Compliance, presented the 3 cases together. Debbie went over the case details, showing photos.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the December 15, 2021 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020259 - JESKE FRANK D ETAL**

**Served**

Complaint No. 20201001052

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Residential interior / exterior renovation. Building; Electrical; Mechanical; Plumbing. May not be a complete list.

Property Location: 3216 S Peninsula Dr, Daytona Beach 32118

**Parcel No. 533501100230**

**Zoning: R-3**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on Oct 03, 2020

\*Order of Non-Compliance issued at the November 18, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the December 16, 2020 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the December 15, 2021 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2020260 - JESKE FRANK D ETAL**

**Served**

Complaint No. 20201001065

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: 3216 S Peninsula Dr, Daytona Beach 32118

**Parcel No. 533501100230**

**Zoning: R-3**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on Oct 03, 2020

\*Order of Non-Compliance issued at the November 18, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the December 16, 2020 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE, with a Hearing to Impose Fine set for the December 15, 2021 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2020258 - Spa 2 LLC**

**Posted**

Complaint No. 20191011011

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: 101 Town And Country Ln, Ormond Beach 32176

**Parcel No. 323411020100**

**Zoning: B-4,R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on UB 10-28-20

\*Order of Non-Compliance issued at the November 18, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the January 20, 2021 hearing:

\*2nd Amended Order of Non-Compliance issued at the March 17, 2021 hearing:

**Hearing to Impose Fine/Lien**

Joe LaBella, was present via Webinar at the hearing for this case.

Robert Chayer, code compliance, presented the 3 cases together. Robert went over the case details, showing photos. Robert stated the permits for building 2 have been updated to cover the scope of the work and they expire 10-2-21. Robert added the permit for building 1 had been updated but no inspections were done and the permit expired on 4-7-21, however there are 2 revisions, one to building 1 and one to building 3, they expire on 8-4-21 and they appear to cover the scope of the work. Robert said the foundation repair permit expired again and that he received an engineer's report but has not had a chance to review it.

Mr. LaBella said Bob pretty much covered everything, and that the foundation guy said he was having trouble getting a response back from the county.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE, with a Hearing to Impose Fine set for the July 21, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2020271 - Spa 2 LLC**

**Posted**

Complaint No. 20201106011

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Expired underpinning permit #20200311052

Property Location: 101 Town And Country Ln, Ormond Beach 32176

**Parcel No. 323411020100**

**Zoning: B-4, R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Nov 09, 2020

\*Order of Non-Compliance issued at the November 18, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the January 20, 2021 hearing:

\*2nd Amended Order of Non-Compliance issued at the March 17, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the July 21, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020272 - Spa 2 LLC**

**Posted**

Complaint No. 20201106015

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

Property Location: 101 Town And Country Ln, Ormond Beach 32176

**Parcel No. 323411020100**

**Zoning: B-4, R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Nov 09, 2020

\*Order of Non-Compliance issued at the November 18, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the January 20, 2021 hearing:

\*2nd Amended Order of Non-Compliance issued at the March 17, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the July 21, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

June 16, 2021



**CEB2021003 - MARTINEZ CELSO & DEPAZ MARICELA**

**Served**

Complaint No. 20200518030

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). new roof on house and have also built a large structure.

Property Location: 601 S Brooks Ave, Deland 32720

**Parcel No. 701701060010**

**Zoning: R-4**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on May 21, 2020

\*Order of Non-Compliance issued at the May 19, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated his last inspection was on 6-14-2021 and the permit applications are still on file but not finalized.

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing July 22, 2021 and to continue until compliance is achieved, but not to exceed \$12,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2021013 - Dollard Robert Louis IV**

**Posted**

Complaint No. 20200430030

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

Property Location: 1475 Kettledrum Tr, Enterprise 32725

**Parcel No. 910805000640**

**Zoning: R-3(1) EA**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Dec 09, 2020

\*Order of Non-Compliance issued at the May 19, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated his last inspection was 6-14-2021 and that the owner did pull the permits and had the issues resolved with the pool and that the owner is working on the rest of the issues.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the July 21, 2021 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2021050 - WALKER DAVID H**

**Posted**

Complaint No. 20201204046

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Pole with electrical outlet boxes for R/V's

Property Location: 162 H H Burch Rd, Oak Hill 32759

**Parcel No. 853813000450**

**Zoning: MH-6W**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on 2-18-21

\*Order of Non-Compliance issued at the April 21, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Fred Eastwood, code compliance, presented the case. Fred went over the case details, showing photos. Fred stated his last inspection was on 6-10-2021 and there are no permits but one of the RV's has been removed. Fred added that he has not had contact with the owner.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing July 22, 2021 and to continue until compliance is achieved, but not to exceed \$6,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2021078 - EDAN INVESTMENTS GROUP LLC TR**

**Posted**

Complaint No. 20210204031

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

Property Location: 380 Katrina St, Deleon Springs 32130

**Parcel No. 694311070050**

**Zoning: R-3**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Feb 09, 2021

\*Order of Non-Compliance issued at the April 21, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated there has been no permits or contact since the last meeting.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day commencing July 22, 2021 and to continue until compliance is achieved, but not to exceed \$15,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021085 - WHITMARSH KENNETH**

**Posted**

Complaint No. 20200820049

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

Property Location: 2412 Ben Franklin Dr, Deland 32720

**Parcel No. 603100000568**

**Zoning: RR**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Aug 20, 2020

\*Order of Non-Compliance issued at the May 19, 2021 hearing:

**Hearing to Impose Fine/Lien**

There was no one present at the hearing for this case.

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated his last inspection was on 6-14-2021 and the property remains the same, no permits have been applied for and he has had no contact from the property owner.

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing July 22, 2021 and to continue until compliance is achieved, but not to exceed \$13,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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## X. Hearings and Presentation of Filed Notices of Violations

**CEB2020149 - OVERLAND CAPITAL TRUST / LOVETT JAY TR** **Served**  
Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Renovation or remodel  
Property Location: 1220 Elizabeth St, New Smyrna Beach 32168  
**Parcel No. 743004020180** **Zoning: R-3A**  
**Code Compliance Coordinator - Margaret Godfrey**  
Property owner was first notified of the violation on Jul 06, 2020  
There was no one present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated staff received an email on June 19, 2020 from Paul Traider saying there was renovations being done without any permits. Margaret said there was a permit issued and the case was continued. Margaret added that the permit has now expired and she has had no contact with the owners.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of July 19, 2021 and a Hearing to Impose Fine is set for the July 21, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2020300 - VAN BENTHUYSEN DENNIS R**

**Served**

Complaint No. 20200924012

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: 2730 Ocean Shore Blvd, Suite 2040, Ormond Beach 32176

**Parcel No. 322125002040**

**Zoning: R-4, R-6, R-8, RC**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Sep 28, 2020

Michele VanBenthuyesen was present at the hearing for this case.

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert stated we had a site visit on 5-27-21 and on 6-1-2021 he looked through AirBnB, VRBO to see what was still advertised. Robert said that when he looked at VRBO it did show a minimum of 30 night stay. Robert showed the Vacation Rental Condo License that shows the unit being a vacation rental. Robert said that unit 404 has a long term renter and in Unit 204 there were tenants at the location and said they were renting the unit from AirBnB and leaving that Sunday.

Michele said that she has changed the ad on AirBnB but it was not updated correctly on the websites end. Michele said they are only doing long term rentals since the date of 3-8-21. Chairman Lingenfelter asked if there are any other less than 30 day rentals and Michele responded yes but they will be done by the end of June. Michele also had a lease that shows starting July 1<sup>st</sup> there will be a family that is long term renting and she has the lease to show the 30 day rental. Michele added she never meant to break zoning rules, when she purchased the units it was on the MLS that said this condo allows weekly rentals. Copies of her documents were taken as evidence and put with the case file.

Sebrina Slack clarified the Hotel/Motel use versus Short Term rental as defined by the state.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a compliance date of June 28, 2021 and a Hearing to Impose Fine is set for the July 21, 2021 hearing.** After Member Needham **SECONDED** the motion, Member Hall was not present for the vote, it **CARRIED** by voice vote.

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**CEB2020301 - VAN BENTHUYSEN MICHELE D**

**Served**

Complaint No. 20200924013

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: 2730 Ocean Shore Blvd, Suite 4040, Ormond Beach 32176

**Parcel No. 322125004040**

**Zoning: R-4, R-6, R-8, RC**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Sep 28, 2020

Michele VanBenthuyesen was present at the hearing for this case.

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert stated we had a site visit on 5-27-21 and on 6-1-2021 he looked through AirBnB, VRBO to see what was still advertised. Robert said that when he looked at VRBO it did show a minimum of 30 night stay. Robert said that he did speak with the tenant in Unit 404 and she said she was renting for 7 months while their house is being built.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order of Non-Compliance/Order of Dismissal for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021009 - Roger Lee and Kimberly Perkins**

**Served**

Complaint No. 20210108021

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 11 SECTION 72-415 EXC: digging a motocross track without permits w/o an special exception for "use".

Property Location: 1246 Mcglon Rd, Seville 32180

**Parcel No. 481000000250**

**Zoning: A-1**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Jan 13, 2021

Nika Hosseini with Cobb/Cole, Hannah Hodges and Darren Elkind, Attorney were present at the hearing for this case.

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated on 6-14-21 was his last inspection. Isiah said that he has filled the pond, and knocked some of the berms down and the ones that are left are for shooting. Chairman Lingenfelter asked Isiah his site visit showed this is not in compliance? Isiah said he is not sure. Chris Hutchison said there is more evidence coming up.

Hannah said that she has an email from the County that states they don't need a special exception if it's for personal use and it's never been anything but for personal use.

Nika said we did have a meeting with the County on this topic and was told that really the issue was the intensity, the duration and the land alteration that cause the trigger for it to not be in compliance with the zoning, they went back to the client and explained. Nika added that the pond was filled, they leveled the track and believe they are in compliance. Hannah added that the cows are still on the property and it's for Ag still and she does work a full time job so she is not out riding 7 days a week.

Scott Ashley said we did have a meeting a couple weeks ago and we did work out the guidelines of what needs to be done and from the photos he has seen they seem to be on their way to compliance. Scott added that the key issue was, that the site was excavated to create mounds and hills and altered the site and if the site was put back to its previous state then that would clear up our issues. Chairman Lingenfelter asked about the berms for shooting. Scott said that if the berms are there for shooting then that a personal use and we won't have much say since its Ag property. Chairman Lingenfelter said then possibly this is in compliance but we would need an inspection to confirm. Scott Ashley said that is correct.

Hannah said that she is unsure how high the berms are but they are grassed over and she had photos of what it looks like and passed the photos around.

Darren Elkind said he was representing the neighbors. He said he provided a video from the neighbors. Darren said that this is not a place for a motor cross track and it's not fair to the neighbors. He added on Memorial Day weekend they were out riding and doing jumps.

Member Dwyer asked for the definition of personal use and how that relates to intensity. Sebrina Slack said it's a question of fact, personal use is what your ordinary everyday

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use is for the area or whether or not the use intensifying and affecting the neighbors. She added that with this particular case we started out with a person who purchased the property, excavated and created a track and then advertised that she was going to run a motor cross school and invite people out there for intensive uses and that it was going to be a constant sort of use. Sebrina added, It's a factual question that the Board is going to have to determine whether we met the burden of showing this is more than just a personal use of the property where she is just pleasure riding or whether she is using the property for business purposes that are beyond the scope of what would be a normal personal use.

Hannah added that the Memorial Day weekend they speak of only her and 1 other friend rode on the property and she has never had anyone else other than her boyfriend, a friend and herself at most. She added that it has been 2 months since they were on the track before Memorial Day. Chairman Lingenfelter asked Hannah when the photos she passed out were taken. Hannah responded they were taken the week of Memorial Day with a drone.

Member Zahn said we had some testimony from Scott saying that the issue about excavation, building berms, advertising, etc., all that stopped, the advertising has gone away, the berms are being reduced and Scott's testimony was that it's not fully in compliance but moving towards compliance, and it appears to him that she has addressed the issues. Now it comes back to the issue about intensity and Scott said this is acceptable for a Personal use and if you didn't use it for 2 months and then used it on Memorial Day, that that is not intense. Member Leonard asked if these were her personal bikes and Hannah said yes, she doesn't ride professionally anymore.

Darren stepped up and said where do we cross the line with how many people you have over where it's no longer personal use because people are coming to your place, because you have some symboling of a track with jumps, so if what he hears, that we don't have any motor cross track and that we have a berm for shooting, so regardless of what you find there should not be any motor cross track there, and that needs to be clear. Darren added, we are talking about jumps on the sand that was excavated and that's what we are talking about. Member Leonard asked is the major complaint about jumping the motor cycles in the air or just riding them around the property. Darren said the issue is the fact that there is something that was excavated that shouldn't have been excavated and that is what people want to ride on. Hannah added that she would guarantee she would still be riding if the track was flat and it would still make ruts in the grass that it would actually be louder because you would not be in the air with periodic brakes, it would be wide open on the flat ground.

William Berry, complainant, added his complaint about the noise from the motor cross track. He has his property for farming.

Nika added for the record the pond is filled in now, they have leveled all of the jumps except for a few that are used for shooting, and that this isn't a matter of whether Hannah can go ride on her property or not, and by her testimony and the neighbors that she is not riding that often and when she is she is on her property.

After further discussion Darren asked if this case could be continued for a month so they  
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can talk amongst the neighbors to find a happy medium. Member Zahn asked if everyone would be ok with a continuance in this case, they agreed. Margaret Godfrey said that the excavation case ending in 083 would be coming in July and that it has already received an Order of Non Compliance.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a Continuance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 11 SECTION 72-415 EXC. The case will be heard in its entirety at the July 21, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021044 - Clayton Benio**

**Served**

Complaint No. 20200522046

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: 5040 Commerce Ave, Deleon Springs 32130

**Parcel No. 694301150130                      Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on May 28, 2020

\*The Board continued this case from the April 21, 2021 hearing:

\*The Board continued this case from the May 19, 2021 hearing:

Clayton Benio was present at the hearing for this case.

Robert Chayer, code compliance, presented the 5 cases together. Robert stated that Attorney was on vacation and unable to make this meeting so they are asking for a continuance to July on all cases.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a Continuance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-298. The case will be heard in its entirety at the July 21, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021045 - Clayton Benio**

**Served**

Complaint No. 20200522045

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

Property Location: 5040 Commerce Ave, Deleon Springs 32130

**Parcel No. 694301150130                      Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on May 28, 2020

\*The Board continued this case from the April 21, 2021 hearing:

\*The Board continued this case from the May 19, 2021 hearing:

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a Continuance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-283. The case will be heard in its entirety at the July 21, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021046 - Clayton Benio**

**Served**

Complaint No. 20200522044

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

Property Location: 5040 Commerce Ave, Deleon Springs 32130

**Parcel No. 694301150130**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on May 28, 2020

\*The Board continued this case from the April 21, 2021 hearing:

\*The Board continued this case from the May 19, 2021 hearing:

**MOVED to issue a Continuance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b). The case will be heard in its entirety at the July 21, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021047 - Clayton Benio**

**Served**

Complaint No. 20200522043

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: 5040 Commerce Ave, Deleon Springs 32130

**Parcel No. 694301150130**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on May 28, 2020

\*The Board continued this case from the April 21, 2021 hearing:

\*The Board continued this case from the May 19, 2021 hearing:

**MOVED to issue a Continuance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-282. The case will be heard in its entirety at the July 21, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021128 - ANTHONY COOPER**

**Served**

Complaint No. 20210220006

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291 Contractor storage yard with no final site plan

Property Location: 494 Old Daytona Rd, Deland 32724

**Parcel No. 603304000010**

**Zoning: I-1A**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on May 8, 2021

Anthony Cooper and Kenneth Ashley, GC were present at the hearing for this case.

Robert Chayer, Code Compliance and Samantha West, Environmental Specialist, presented the 3 cases together. Robert went over the case details, showing photos. Robert stated 6-1-21 was his last onsite inspection. Robert said that on 3-29-2019 there was a meeting with staff and the contractor about developing the site. On 6-17-2019 a conceptual site plan was submitted and staff made a comment that 4 trees were removed without a permit. On 9-26-2019 there was a final site plan staff review meeting. On 10-2-2020 they applied for a standalone commercial tree removal permit, this was denied as a final site plan development order is required. Robert showed an email from 3-29-2019 that was sent, that went over what was discussed and what is needed. Robert stated this was the first contact he has had with the Owner. Samantha West added that the owner came in October of last year to get into compliance and then communication stopped. She added on 2-12-2021 a stop work order was posted as more things were being done on the property without any permits or final site plan.

Kenneth Ashley said that he has only been up to date with the October meeting, from that time to now Mr. Cooper has been trying to figure out what they are going to do on the property and to get the final site plan done. Mr. Cooper said that when he bought the property the fence was already there. Chairman Lingenfelter said get a site plan to show the fence and pull the permit as he has purchased a property with a fence without a permit. Mr. Cooper said he understood.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291 With a compliance date of August 16, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021129 - ANTHONY COOPER**

**Served**

Complaint No. 20210220007

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

Property Location: 494 Old Daytona Rd, Deland 32724

**Parcel No. 603304000010**

**Zoning: I-1A**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on May 8, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b) With a compliance date of August 16, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021079 - ANTHONY COOPER**

**Served**

Complaint No. 20210214003

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: 494 Old Daytona Rd, Deland 32724

**Parcel No. 603304000010**

**Zoning: I-1A**

**Environmental Specialist III - Samantha West**

Property owner was first notified of the violation on Feb 15, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2) With a compliance date of August 16, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021097 – Peter Zarcone**

**Served**

Complaint No. 20210129034

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

Property Location: 109 Toronita Ave, Port Orange 32127

**Parcel No. 631202000030**

**Zoning: R-9(S)**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on Apr 02, 2021

Peter Zarcone was present at the hearing for this case.

Debbie Zechnowitz, Code Compliance presented the 2 cases together. Debbie went over the case details, showing photos. Debbie stated this case involves a recreational vehicle that is improperly parked and also connected to water, sewer and electric. In February of 2021 she contacted Mr. Zarcone and informed him of the complaints and explained that the ordinance does not allow this. Mr. Zarcone explained that he uses this R/V for his construction trailer and is parking it on site while he is doing construction on his property. He said he does not live there, but uses the R/V to store his tools and materials like any other construction trailer. He also stated he is only there working on the weekends. Debbie said there is an active permit to add 1200 square feet to the existing SFR. Debbie added that she sent a request for a determination to be made to see if an R/V could be used for a construction trailer since there is an active permit, the answer was negative per Chris Hutchison, Kerry Leuzinger and Sebrina Slack. Debbie contacted Mr. Zarcone to inform him of the determination. Debbie said that on the last inspection on June 10<sup>th</sup> and the case remains in violation.

Chairman Lingenfelter asked if there was information on what about this doesn't make it in compliance, since there has been cases where people can live on the property with a temporary unit while building a house. Sebrina Slack said that it would require a special exception to have a mobile home on site when building.

Member Zahn asked if the house was secure where he could put the materials to lock them up. Mr. Zarcone said he is not at that point yet.

Mr. Zarcone said he has been working on this project for a few years and he finally got the permit. He explained he needs the R/V there as he does use it for a construction trailer and he will use it on the weekends to stay and save money for hotels. Mr. Zarcone asked to get an extension to leave the R/V there.

Member Zahn said maybe giving 2 months to get the house secure so he can use the house for storage. Sebrina Slack added that either way the R/V being parked there is a violation. Mr. Zarcone said he needed it to finish the construction. Chairman Lingenfelter asked what his timeline was for house completion. Mr. Zarcone said December. It was then suggested to bring the cases back next month for a status update

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code**

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**of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C) With a compliance date of July 19, 2021 and a Hearing to Impose Fine is set for the July 21, 2021 hearing.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021098 - Peter Zarcone**

**Served**

Complaint No. 20210129031

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

Property Location: 109 Toronita Ave, Port Orange 32127

**Parcel No. 631202000030**

**Zoning: R-9(S)**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on Apr 02, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 With a compliance date of July 9, 2021 and a Hearing to Impose Fine is set for the July 21, 2021 hearing.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2021100 - MOORE BENNY**

**Posted**

Complaint No. 20210304001

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

Property Location: No Street, Oak Hill 32759

**Parcel No. 953703000200                      Zoning: MH-4**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on Mar 4, 2021

There was no one present at the hearing for this case.

Fred Eastwood, code compliance, presented the 6 cases together. Fred went over the case details, showing photos. Fred stated that the property was given to the Macedonian Baptist Church but since there was no way to get to it they sold it to Benny Moore. Fred said Mr. Moore has been out there for a year and the complaints came from the neighbors because the constant use of generators. Fred said Mr. Moore was on the property when he was there taking photos. On 5-14-21 Fred spoke with Mr. Moore and he indicated that he was going to clean all the junk/debris from the property and is to remove the vehicles and trailers. Mr. Moore hopes to apply for a permit to get a mobile home. Fred said his last inspection was on 6-10-2021 and the only change on the property was now there are 2 horses. Mr. Moore's property is zoned MH-4 so the horses can't be there.

Member Zahn asked how you know the trailer is improperly parked, Chris Hutchison said it's not allowed on the property regardless as there is no principal structure.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C) With a compliance date of August 16, 2021 and a Hearing to Impose Fine is set for August 18, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021101 - MOORE BENNY**

**Posted**

Complaint No. 20210304002

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

Property Location: No Street, Oak Hill 32759

**Parcel No. 953703000200                      Zoning: MH-4**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on Mar 4, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 With a compliance date of August 16, 2021 and a Hearing to Impose Fine is set for August**

June 16, 2021

**18, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021102 - MOORE BENNY**

**Posted**

Complaint No. 20210304003

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: No Street, Oak Hill 32759

**Parcel No. 953703000200**

**Zoning: MH-4**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on Mar 4, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a compliance date of August 16, 2021 and a Hearing to Impose Fine is set for August 18, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021103 - MOORE BENNY**

**Posted**

Complaint No. 20210304004

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: No Street, Oak Hill 32759

**Parcel No. 953703000200**

**Zoning: MH-4**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on Mar 4, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 With a compliance date of August 16, 2021 and a Hearing to Impose Fine is set for August 18, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2021104 - MOORE BENNY**

**Posted**

Complaint No. 20210304005

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

Property Location: No Street, County 32759

**Parcel No. 953703000200**

**Zoning: MH-4**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on Mar 4, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C) With a compliance date of August 16, 2021 and a Hearing to Impose Fine is set for August 18, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021105 - MOORE BENNY**

**Posted**

Complaint No. 20210304006

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

Property Location: No Street, Oak Hill 32759

**Parcel No. 953703000200**

**Zoning: MH-4**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on Mar 4, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of August 16, 2021 and a Hearing to Impose Fine is set for August 18, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2021118 - RATHBURN WAYNE A**

**Served**

Complaint No. 20210429006

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(1)(C) Accessory building or structure on lot that does not have a completed principal structure

Property Location: Central Pkwy, Deland 32724

**Parcel No. 700103380340**

**Zoning: R-4A**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on 5-3-21

There was no one present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated the property was in front of Code Board a few years ago for a lot maintenance case and that there was a violation for the building but it was closed out in error. Margaret said the property owner called for an inspection on the lot maintenance case and the building was noticed and Property Appraisers has this listed as vacant residential. Margaret said the cited conditions remain unchanged and there has been no further contact with the property owner.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(1)(C) With a compliance date of July 19, 2021 and a Hearing to Impose Fine is set for the July 21, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021131 – Donald & Diane Hastings**

**Served**

Complaint No. 20210512066

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

Property Location: 1133 James St, New Smyrna Beach 32168

**Parcel No. 800901010100**

**Zoning: R-3A**

**Code Compliance Officer – Fred Eastwood**

Property owner was first notified of the violation on 5-21-21

Darren Elkind, Attorney and Donald & Diane Hastings were present at the hearing for this case. Complainants Kevin & Juliet Pederson were also present at the hearing for this case.

Fred Eastwood, code compliance, presented the case. Fred went over the case details, showing photos. Fred stated he visited Mr. Hastings on 3-2-2021 about running a business. Mr. Hastings told Fred he was not running a business and that he works on his own motorcycles. Fred visited with the Pederson's on 3-20-2021 and during that conversation they expressed that as far as running a business it was not a big deal for them they were more concerned that he is using the side yard adjacent to their property as a roadway to the shop and his friend had his camper parked right by their bedroom window. On 3-25-2021 Fred spoke to Mr. Hastings about running a business and he again denied that he was doing so, Fred did not see any evidence that a business was being run from the property. Fred also expressed that now that Bike Week was almost 2 weeks gone it was time for the camper to be removed to an RV park and he indicated that his friend would be leaving by the weekend and would move the RV to the other side of the yard which he did and the RV was removed on the weekend. Fred also expressed maybe a fence would help to be a boundary line between the properties and give some privacy also if he was going to continue using the right of way as a driveway he needed to apply for a Special Exception but until that time he needed to refrain from using the right of way and use his driveway in the front yard. Fred said on 3-5-2021 Mr. Hastings was given approval for a 6 foot fence and the final inspection was completed. On 4-1-2021 Mr. Hastings was given permission from the Environmental Department to use the right of way as a driveway to his shop. Fred added that on 4-27-2021 he received an email from Mrs. Pederson stating the homeowner was seen exchanging an envelope with possible money in it for possible work on a motorcycle. Fred visited the property of Mr. and Mrs. Hastings which Mr. Hastings admitted to receiving money in an envelope as he sold his personal motorcycle that was too heavy for him to handle and operate. Mr. Hasting also informed Fred that Mr. Pederson was on his property and verbally threatened him and his friend. Mr. Hastings filed a report with the Volusia Sheriff's Office and sent a letter to Sheriff Lemma in Seminole County where Mr. Pederson is employed. Fred stated on 5-12-2021 he received an email from Mr. Pederson stating that he was told Mr. Hastings purchased approximately 12 motorcycles from some type of estate sale and that he was repairing them and selling them, he also added they didn't know anyone who spends hours welding and fabricating for free. Fred then went to visit Mr. Hastings and he showed

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Fred the shop and there were only 2 motorcycles in the shop, both belonging to Mr. Hastings, Fred verified the tags and registration. Fred added that as for the welding Mr. Hasting collects piles of metal and uses to create yard art that he displays. Fred stated his last inspection was on June 10<sup>th</sup> and there was not any activity taking place at the property. Chris Hutchison said that we have not been able to gather enough evidence to show a violation occurred, Chris added that the Pederson's were here to show their proof and we have allowed them to come forth to speak to the Board.

Darren Elkind, the Attorney representing the Hastings got up and said he would like to hear what the Pederson's have to say.

Mr. Pederson said that since we have made the initial complaint Fred has been bias towards finding evidence of something happening, he added that Fred never spoke to them when he was out at the property to get more information about the issues. Mr. Pederson said the shed is a large detached garage that is used as a work shop, he brought up a previous case about a dirt bike track but the use wasn't allowed, this applies somewhat to their situation. He said when standing in his living room, bedroom and bathroom they see people driving by their windows and that's when this became a problem. Mr. Pederson spoke about the intensity issue but said the real issue is privacy and people parking right outside their windows. Mr. Pederson said his wife has addressed the issue a few times about the people outside their windows and nothing was done, so she called Code Enforcement. Chairman Lingenfelter said that some of these matters like the privacy issue are a civil issue. Mrs. Pederson added that it is inappropriate for any man 18 years and older to be standing outside her window. Chairman Lingenfelter said that the case before us is business where not permitted, he asked what evidence they had to show this. Mrs. Pederson said she has photos and that she has eye witnessed money being exchanged. Member Zahn added that the County Code Officer will do their best to find evidence of the violations.

Chris Hutchison added that he spoke with Scott Ashley about the driveway and we don't dictate where people drive on their property and the only thing that would be required is a Use permit for the apron of the road. Member Leonard said but we are not talking about the driveway. Mr. Pederson said this was the initial complaint. Member Zahn said apparently that was resolved when environmental approved what they were doing. Mr. Pederson said that he has told Mr. Hasting to have their friends, customers or whatever to use the driveway and walk to the shop and that would have satisfied them.

Darren Elkind said first of all the law of the motorcycle track operation where that is not permitted is not the same of having a shed in your backyard. Darren said he looked at the pictures that were provided and they are consistent with what Mr. Hastings says he does out there. Darren read a letter that was received from Mrs. Pederson calling Mr. Hastings a confused old man, he said he is not confused, he is still able to ride a motorcycle and every motorcycle that is in the shop is his. He does have friends that come over and they do do things in the shop. Darren said that when he looked through the photos provided by Mrs. Pederson there was only one photo that showed money going into a pocket, the Code officer came out and asked and Mr. Hasting about it and it was acknowledged that yes he sold his motorcycle that he owned for 14 years. Darren said Mr. Hastings is not

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violating any laws, He has paid to put a fence up and planted bamboo to try and give more privacy. Darren said that the things that bother the neighbors he will try and has done things to accommodate them. Darren added that Mr. Hastings will continue to use his shop and there is not a business being operated there.

Mr. Pederson said not to keep drawing this out but they have 2 years' worth of videos and they provided their testimony and the evidence they had.

Member Zahn said he does sympathize with their issues, but the situation is we listen to the evidence and the case is for a business but he does not see any evidence to prove there is a business. Member Zahn added that Mr. Hastings has addressed the issue of the road and that was resolved.

Mrs. Pederson asked if this is a civil matter. Charlie Cino said yes.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Dismissal for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021139 – Miguel A Ramos & Sunni A Milo**

**Served**

Complaint No. 20201020045

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Redoing the roof and remodeling the home with no permits

Property Location: 435 Seminole Ave, Lake Helen 32744

**Parcel No. 8105060301111**

**Zoning: R-4**

**Code Compliance Officer – Isiah Pitts**

Property owner was first notified of the violation on 10-20-20

There was no one present at the hearing for this case.

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated a stop work order was posted by Paul Traider on 11-20-2020 and a second stop work order was posted again on 5-19-2021.

Paul Traider said this home was found to be in the process of a remodel and the roof being redone. Paul said he visited the property with Isiah on October 20<sup>th</sup> and it was visible that work was being done. Paul said they spoke with the Sunni Milo who said no work was being done and they were denied access to the inside. Paul said on May 18, 2021 a building inspector went to the home for a roof inspection and it was reported back to Paul that renovations were being done. Paul went to the property again and it was noticed there were new windows and Sunni denied any work going on. Paul said to date a roof permit has been issued that needs final inspections, a mechanical permit was issued and it has received a final inspection and is closed. Not too long ago another permit was received for vinyl siding but the other work was not included in it. Member Hall asked if the owner knew that permits had to be pulled for the windows. Paul and Isiah said it was all explained to them.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of July 16, 2021 and a Hearing to Impose Fine is set for July 21, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

June 16, 2021

**IX. Unfinished Business from the Addendum**

**CEB2018212-A2Z RENTALS LLC**

**Posted**

Complaint No. 20161123033

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). (Renovation/remodel)

Property Location: 1536 Culverhouse Dr, Daytona Beach 32117

**Parcel No. 423310000240**

**Zoning: R-4**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Apr 18, 2018

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

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

\*A Report and Affidavit of Compliance was submitted with a compliance date of June 11, 2021:

**Order of Compliance**

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

**CEB2020284 - Smith Tammy & William**

**Served**

Complaint No. 20200806073

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

Property Location: 7035 S Atlantic Ave, New Smyrna Beach 32169

**Parcel No. 850501180350**

**Zoning: R-9W**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Aug 11, 2020

\*Order of Non-Compliance issued at the January 20, 2021 hearing:

\*1st Amended Order of Non-Compliance issued at the March 17, 2021 hearing:

\*2nd Amended Order of Non-Compliance issued at the April 21, 2021 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of June 4, 2021:

**Order of Compliance**

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

June 16, 2021

## XI. Requests for Discussion of Accumulated Fines

### **CEB2020011 - ACOSTA ENTERPRISES INC**

**Served**

Complaint No. 20191009023

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: 170 Holland Rd, Ormond Beach 32176

**Parcel No. 324107020360**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

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

\*Order of Non-Compliance issued at the April 21, 2021 hearing:

\*Final Order Imposing Fine Lien issued at the May 19, 2021 hearing:

**Request for Discussion of Fine Start Date**

Randy Beardsly was present at the hearing for this case.

Robert Chayer, code compliance, presented the case. Robert said the fine is supposed to start tomorrow and Mr. Beardsly is a representative of the owner. Robert showed some photos and gave background on the case. Robert added that there is no power on at the house.

Mr. Beardsly said that the owner is Matthew Butkus and acquired the property from Acosta Enterprise. Mr. Beardsly said the Mr. Butkus lives in California and is having a hard time finding a contractor.

Robert stated that Mr. Butkus is fully aware of what is needed to get into compliance and that he was originally the contractor for Acosta Enterprises.

Member Zahn said that he is inclined to let the fine run and once they are in compliance they can come in to request a reduction.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to Deny an Amended Order Imposing Fine/Lien for violation of Volusia County Code of Ordinances, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2020062 - J & J BRYAN INC**

**Served**

Complaint No. 20190920024

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s) Several expired permits on this property and one is for a pool

Property Location: 2657 Slow Flight Dr., Daytona Beach 32128

**Parcel No. 623607004090**

**Zoning: PUD**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on 5-18-20

\*Order of Non-Compliance issued at the June 17, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the October 21, 2020 hearing:

\*Final Order Imposing Fine Lien issued at the February 17, 2021 hearing:

\*1st Amended Final Order Imposing Fine Lien issued at the March 17, 2021 hearing:

**Request for Discussion of Fine Start Date**

Colleen Miles was present at the hearing for this case.

Debbie Zechnowitz, code compliance, presented the 2 cases together. Debbie said that we were last here in March for a request to stay the fine, Debbie said the permits are open and valid. Debbie added the property is not fully in compliance. Debbie added that we are in favor of an amended order.

Colleen Miles said that at this moment we have 3 open permits, when this started we had 8. Inspections are going on and they would be complainant by the next cutoff date.

Member Zahn said that once in compliance that the chances are pretty good in getting a reduction of fine.

Walt Riddell and James Clark came up to speak to note this case is a year old and 7 months ago when we were here we were promised these issues would be taken care of in the next 3 months, they were back 4 months ago and was told Colleen would get the work done and nothing was done. Mr. Riddell and Mr. Clark said they are in favor of the fines starting.

Kerry Leuzinger said, they are making progress, starting the fine right now serves no purpose, we are asking to start it in 30 days.

Member Zahn said the Board has protocols about these cases and made the below motion to leave the cases the way they are.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to Deny an Amended Order Imposing Fine/Lien for violation of Volusia County Code of Ordinances, CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

June 16, 2021

**CEB2020063 - J & J BRYAN INC**

**Served**

Complaint No. 20190920021

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

Property Location: 2657 Slow Flight Dr., Daytona Beach 32128

**Parcel No. 623607004090**

**Zoning: PUD**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on 5-18-20

\*Order of Non-Compliance issued at the June 17, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the October 21, 2020 hearing:

\*Final Order Imposing Fine Lien issued at the February 17, 2021 hearing:

\*1st Amended Final Order Imposing Fine Lien issued at the March 17, 2021 hearing:

**Request for Discussion of Fine Start Date**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to Deny an Amended Order Imposing Fine/Lien for violation of Volusia County Code of Ordinances, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277.**

After Member Leonard **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 12:54 pm.

Respectfully submitted,

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**Ramona Jones**  
**Code Enforcement Board Clerk**

June 16, 2021

**CERTIFICATE**

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

**I, Ramona Jones, 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 May 19, 2021, at 123 West Indiana Avenue, Deland, Florida.**

**WITNESS MY HAND this 12th day of May, 2021, in the City of DeLand, County of Volusia, State of Florida.**

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**Ramona Jones  
Code Board Clerk**

June 16, 2021