



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

July 17, 2019

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

Building

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF PRESENT

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

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APPROVAL OF MINUTES

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Member Needham moved to APPROVE the May 15, 2019 and the June 19, 2019 Code Enforcement Board minutes. Member Leonard SECONDED the motion that CARRIED unanimously by voice vote.

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July 17, 2019

UNFINISHED BUSINESS

CEB2014190-FIGUEREDO, ANTONIO

Posted

Complaint No. 20140805054

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: 1655 Margaret St, Deland 32720

Parcel No. 701909060320

Zoning: R-4

Building and Zoning Compliance Officer - Building Compliance

Property owner was first notified of the violation on Aug 15, 2014

*Order of Non - Compliance issued at the December 17, 2014 hearing:

*1st Amended Order of Non-Compliance issued at the January 21, 2015 hearing:

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

Order of Compliance

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

CEB2017168-VENTURONI EVELYN M

Served

Complaint No. 20170329016

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: 21 Briggs Dr, Ormond Beach 32176

Parcel No. 322804000120

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Sep 12, 2017

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of May 16, 2019:

Order of Compliance

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

July 17, 2019

CEB2017169-VENTURONI EVELYN M

Served

Complaint No. 20170329011

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: 21 Briggs Dr, Ormond Beach 32176

Parcel No. 322804000120

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Sep 12, 2017

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of May 16, 2019:

Order of Compliance

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

CEB2017394-NATES HOLDINGS LLC

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

Code Compliance Coordinator - 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:

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

*2nd Amended Order of Non-Compliance issued at the August 15, 2018 hearing:

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

*4th Amended Order of Non-Compliance issued at the April 17, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of June 10, 2019:

Order of Compliance

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

July 17, 2019

CEB2018138-STILTNER KERI LYNN

Posted

Complaint No. 20180109009

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/renovations)

Property Location: 1427 John Anderson Dr, Ormond Beach 32176

Parcel No. 323411010250

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Mar 8, 2018

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

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

*1st Amended Order Imposing Fine Lien issued at the February 20, 2019 hearing:

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

Order of Compliance

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

CEB2018495-JAMES CLIFFORD F & BARBARA J

Posted

Complaint No. 20180806018

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

Property Location: 652 Cordova Ave, Ormond Beach 32174

Parcel No. 424220320110

Zoning: R-5

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on

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

*1st Amended Order of Non-Compliance issued at the April 17, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of June 10, 2019:

Order of Compliance

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

July 17, 2019

CEB2018507-US ALTERNATIVE LAB RESOURCES

Posted

Complaint No. 20181204016

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

Property Location: 121 Sand Dunes Dr, Ormond Beach 32176

Parcel No. 322118000030 Zoning: R-4

Code Compliance Officer - Robert Chayer

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

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

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

*2nd Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

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

Order of Compliance

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

CEB2018508-US ALTERNATIVE LAB RESOURCES

Posted

Complaint No. 20181019058

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

Property Location: 121 Sand Dunes Dr, Ormond Beach 32176

Parcel No. 322118000030 Zoning: R-4

Code Compliance Officer - Robert Chayer

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

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

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

*2nd Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

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

Order of Compliance

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

July 17, 2019

CEB2019010-ROCKWELL ANITA KAY

Served

Complaint No. 20180710090

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

Property Location: 967 Shockney Dr, Ormond Beach 32174

Parcel No. 423812000170

Zoning: R-4A,RCA

Code Compliance Coordinator - Margaret Godfrey

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

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

*Final Order Imposing Fine Lien issued at the June 19, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of June 20, 2019:

Order of Compliance

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

CEB2019132-TOTH LEWIS

Posted

Complaint No. 20180102004

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 The use of storage container on the property

Property Location: 1408 E New York Ave, Deland 32724

Parcel No. 701401000330

Zoning: B-4CA

Code Compliance Officer - Michael Mazzola

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

*Order of Non-Compliance issued at the May 15, 2019 hearing:

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

Order of Compliance

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

July 17, 2019

CEB2018446-GLAUBER CHRISTA

Served

Complaint No. 20180720030

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). (Additions and alterations, may not be a complete list.

Property Location: 114 Plaza Grande Ave, Ormond Beach 32174

Parcel No. 424220150130 Zoning: R-5

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Aug 27, 2018

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

*1st Amended Order of Non-Compliance issued at the June 19, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of July 2, 2019:

Order of Compliance

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

CEB2019011-GLAUBER CHRISTA

Served

Complaint No. 20190118024

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: 114 Plaza Grande Ave, Ormond Beach 32174

Parcel No. 424220150130 Zoning: R-5

Code Compliance Officer - Robert Chayer

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

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

*1st Amended Order of Non-Compliance issued at the June 19, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of July 2, 2019:

Order of Compliance

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

July 17, 2019

CEB2017044-STOWE JEFFREY ALAN

Served

Complaint No. 20150928015

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

Property Location: 114 S Cory Dr, Edgewater 32141

Parcel No. 841205001280

Zoning: R-3W

Code Compliance Officer – Debbie Zechnowitz

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

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

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

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

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

*4th Amended Order of Non-Compliance issued at the June 20, 2018 hearing:

*5th Amended Order of Non-Compliance issued at the December 19, 2018 hearing:

*The Board continued this case from the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. A permit was issued and it is valid until, December 16, 2019. Staff recommends a sixth amended order of non-compliance, with a hearing to impose fine scheduled for the December 18, 2019 hearing.

Due to ex-parte communication, Member Zahn could not vote on the case. The outcome was not affected as there was a quorum and the vote was unanimous.

Based on the evidence and testimony provided, Member Needham **MOVED to issue a Sixth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the December 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018170- MAIHLE RONALD KIRT & THERESA

Posted

Complaint No. 20180213054

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

Property Location: 1718 Evergreen St, Ormond Beach 32174

Parcel No. 424235020061

Zoning: R-5

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. A permit has been issued and it is valid until, August 19, 2019. Staff is recommending a third amended order of non-compliance, with a hearing to impose fine scheduled for August 21, 2019. She said she has to go out and inspect it.

James Bivens gave his name and address for the record. He said that he lives at 1717 Evergreen Terrace, which is across the street from the subject property.

The Chairman showed Mr. Bivens a picture of the property and asked if that's what the property looks like to him.

Mr. Bivens said from my house, across the street, it looks a lot worse. He said Mr. Maihle is bringing in junk every day. He said his wife did a little research on his other property; he said he believes that Mr. Maihle is bringing in junk from the other property, to this one. Margaret said the other property went into foreclosure. She said he did bring the stuff to that property, however that has already been addressed, with code board proceedings and there is a lien against that property, due to the stuff that's on 1718 Evergreen. She said unfortunately, we're limited; we cannot just make him take the stuff off.

The Chairman asked about the junk on the property.

Margaret said it was an accessory without a principle; there's no principle structure, so absolutely nothing that is there, can be there.

Member Leonard said so all we can discuss is the fence issue.

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Margaret said yes, because the other one has already been addressed.

Staff specified that they were only discussing the fence without permits today.

The Chairman acknowledged that there is an ongoing issue on the property, with junk.

Mrs. Bivens asked what they needed to do, to make sure that they attend the correct meeting.

Margaret said the case regarding the junk on the property is done; there's a fine running on the property. She said we can't go in there and make him take that stuff off.

Mrs. Bivens said so we're going to go years and years, like we did with 22 Coquina?

Margaret said we cannot make him stop.

Mrs. Bivens explained that as Mr. Maihle lives like this, it takes away from our home value.

Margaret said unfortunately, if you want to continue with this, it would have to be a civil issue. She said right now, code enforcement has done all they can do, with the property.

Russ Brown, Assistant County Attorney, said what we'll do is see when the lien was filed and started to accrue and if it's met at a minimum before, you can foreclose on the lien. He said before the county can foreclose on the lien, it has to be filed for a minimum of 90 days. He said I'm presuming it's probably a non-homesteaded property, based on what you're telling me. He said we'll take a look and see if we can foreclose; if it's not homesteaded it makes it much easier. He said what we also look for is as to whether it makes sense from a dollars and cents standpoint. He said what I mean by that is if there's a mortgage on the property, the county's lien is not a priority lien. He said a lot of times, it doesn't make sense to foreclose on the property if there's a big mortgage on it. He said we'll move this to the top of our list, if you will, to see if it makes sense to do that. The Bivens' said its two pieces of property, not one.

Mr. Brown asked if there were liens on both.

Margaret said only on 1718.

Mr. Brown said I think what we're hearing, is there are a couple more complaints that are not before the board today. He said I think Ms. Godfrey, will take a look at those.

Staff discussed why there was a power pole on the property, when there was no house.

Margaret said it was temporary, because they originally were going to build a house there.
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Mr. Bivens said that the property owner couldn't build anything because the property is too small.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue a Third Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the September 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018330-HARR ROBYN

Served

Complaint No. 20160215026

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).

Property Location: 1907 Madre St, Suite 0750, New Smyrna Beach 32168

Parcel No. 734410000750

Zoning: MH-5(1),RC

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Feb 16, 2016

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said she hand-delivered the Order of Non-Compliance, because she's never had contact with the property owners. Ms. Harr was home and Margaret explained to her, what was going on. Ms. Harr believed that she had until September, because of the two cancelled permit applications. Margaret said it's still there, it has not changed and she hasn't heard anything since. Staff recommends a fine in the amount of \$100.00 per day, not to exceed \$8,000.00; to commence on August 22, 2019.

The Chairman said he was not familiar with this case.

Margaret said that's because you weren't here. She said it started back in 2016 and there have been two permit applications submitted, but both have been cancelled due to lack of activity. She said there were requests for additional information for zoning and the height of it. Ms. Harr never responded to it, so here we are.

The Chairman asked Margaret, if she felt that Ms. Harr understood.

Margaret said yes.

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After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day, not to exceed \$8,000.00, to begin on August 22, 2019.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018264-CONFIDENTIAL DATA F.S. 119.07

Served

Complaint No. 20140905009

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). (Re-roof, new windows, may not be a complete list.)

Property Location: 160 Roberta Rd, Ormond Beach 32176

Parcel No. 323401000570

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Sep 13, 2014

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

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. The roof permit was cancelled and has been re-opened; it is valid until the middle of August. A final inspection is scheduled for today. The deck is gone. Staff is recommending a third amended order, with a hearing to impose fine scheduled for the August 21, 2019 hearing.

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

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CEB2018360-BAILEY BLAKE C & SHANNON C

Served

Complaint No. 20180705025

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 remodel, including but not limited to plumbing, electrical, structural, etc.) Mostly pertaining to the mother-in-law suite on the first floor)

Property Location: 103 Capri Dr, Ormond Beach 32176

Parcel No. 322101001150

Zoning: R-6

Code Compliance Coordinator - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the April 17, 2019 hearing:

*2nd Amended Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Kerry Leuzinger, Chief Building Official, Darren Elkind, Attorney, a pool contractor and myself all met on site with Mrs. Bailey. She said the pool contractor was there to take care of the pool issue. The electrical work that was done to move the laundry room to the second kitchen, was disconnected and the washer and dryer were put back, to where they originally were. She said the kitchen is gone. Margaret said they've gotten drawings and an electrical affidavit; Kerry explained the other affidavits that they would need for plumbing and mechanical. She said staff agreed on a third amended order and Mr. Elkind said he would need 45 days. Margaret said since, Mrs. Bailey let them in the house and showed them what was done; staff recommends a third amended order of non-compliance, with a hearing to impose fine/lien scheduled for October 16, 2019.

The Chairman asked why they're not in compliance.

Margaret said the pool needs to be permitted and inspected. She said the interior renovation, downstairs; she said the garage used to be a drive-through. She said the Baileys did not cause this, the previous owners did. She said they put up garage doors and things like that. She explained the walls that the previous owners put up. She said all those issues would need to be addressed.

Mr. Nelson said the last time the attorney was here, we discussed the two kitchens and the refrigerator issue. He said even though these were discussed, it was not in-depth. He said that's why you're not remembering them.

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The Chairman said I didn't realize that this was on stilts.

Mr. Nelson said we have a swimming pool out there, that doesn't meet any of the entrapment requirements.

Margaret said and that's what the pool contractor was out there.

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

CEB2018441-DECKER LAWRENCE E

Served

Complaint No. 20180828011

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

Property Location: 5906 John Anderson Hwy, Flagler Beach 32136

Parcel No. 324302030010

Zoning: C,RC,RPUD

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*2nd Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said we have received bids for demolition because the original permit expired. Margaret said the county is going to go in and do it. She said there is a meeting on site, as we speak with the asbestos removal specialist. Staff recommends a third amended order with a hearing to impose fine scheduled for the November 21, 2019. She said we still have to deal with the removal of the boat. She said the demolition, would have taken care of the junk but we're trying to figure out what to do with the boat. She said there is also a tractor that will take some time, as well.

Andrew White gave his name and address for the record. He said this is my uncle's property; he's 88 years old. Mr. White said physically and mentally, he's just not the man he used to be. He said I inherited this mess, 6 or 8 months ago. He said he's done some of the demolition. He said its cost about a \$100,000.00 and to be honest, I'm running out of money. He said he did put the property up for sale in February. He said they are currently negotiating a deal. He said I've done everything that I can.

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The Chairman asked if there was anyone on the property.

Margaret said yes.

Mr. White said he found out there was a squatter out there, yesterday.

Susan Keough gave her name and address for the record. She said we haven't seen movement on that property and as long as it's there, there's going to be squatters.

The Chairman said when you say no movement, what do you mean.

Ms. Keough said we haven't seen anything happen; any tear-downs. She said the only movement we've seen is a squatter coming and going.

Mr. Nelson said we have a demolition bid on it. He said it is expensive, so we had to arrange funds. He said it's not in our normal budget. He said the asbestos contractor is on the site, this morning working. He said we're doing the best we can, he said the gentleman tried and he just ran out of money. He said we gave them an opportunity and now, we're doing it. He said if the gentleman's demolition contractor gets there before we do, then that's fine but we're moving forward with the demolition. He said we'll lien the property for the cost and it can be paid for by the purchaser.

Ms. Keough asked Mr. White if there was a contract to buy that land.

Mr. White said I don't have a signed contract.

Mr. Nelson said we're moving forward; regardless we're moving forward. He said either we'll demo it or it will be demoed before we get there.

Margaret said I think what it was, is that the buildings in the back were demoed.

Mr. White said we started with the worst.

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

July 17, 2019

CEB2018442-DECKER LAWRENCE E

Served

Complaint No. 20180828012

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

Property Location: 5906 John Anderson Hwy, Flagler Beach 32136

Parcel No. 324302030010

Zoning: C, RC, RPUD

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*2nd Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

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

CEB2018444-DECKER LAWRENCE E

Served

Complaint No. 20180828013

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

Property Location: 5906 John Anderson Hwy, Flagler Beach 32136

Parcel No. 324302030010

Zoning: C, RC, RPUD

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*2nd Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

July 17, 2019

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

CEB2018496-BURTON VALERIE

Posted

Complaint No. 20180710072

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: 1131 Avenue G, Ormond Beach 32174

Parcel No. 422901210040

Zoning: MH-5

Code Compliance Officer - Robert Chayer

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

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. The most recent inspection was on June 28, 2019. Robert said he hasn't had any contact with the property owner. He showed the board his last picture; he said everything has been moved into a tent in the front yard. He said it just continues to get worse out there. Staff recommends a fine in the amount of \$50.00 per day, per case, not to exceed \$6,500.00; to commence on August 22, 2019.

The Chairman asked about the vehicle.

Robert said it's the Land Rover.

The Chairman said and that remains without a tag.

Robert said there wasn't a tag, the last time I was out there.

Member Wild asked about the fence.

Robert showed him in the pictures. He said Margaret had a junkyard case and it was behind the fence. He said there's no permit for the fence.

July 17, 2019

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, not to exceed \$6,500.00, to begin on August 22, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019063-BURTON VALERIE

Posted

Complaint No. 20181210008

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

Property Location: 1131 Avenue G, Ormond Beach 32174

Parcel No. 422901210040 Zoning: MH-5

Code Compliance Officer - Robert Chayer

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

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$6,500.00, to begin on August 22, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019129-BURTON VALERIE

Posted

Complaint No. 20190318006

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: 1131 Avenue G, Ormond Beach 32174=

Parcel No. 422901210040 Zoning: MH-5

Code Compliance Officer - Robert Chayer

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

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

July 17, 2019

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, not to exceed \$6,500.00, to begin on August 22, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019105-MAUTON MANAGEMENT INC

Posted

Complaint No. 20181019029

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

Property Location: 1741 Valencia Ave, Ormond Beach 32174

Parcel No. 424264000300

Zoning: R-5

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Nov 14, 2018

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. He said he did an inspection on June 27, 2019, at the request of the neighbors. He showed the board a picture of what was left, after we were told they brought the property into compliance. He said there's still piles of brush in the backyard and there's overgrowth behind the shed in the rear yard. He said you can see the overgrowth on top of the shed.

Robert said he spoke with Mary, from Mauton Management Inc., and she said she didn't realize that things had been left there. She said she would work on it getting taken care of. Robert said he told her, if it is not taken care of by her, the county will take care of it. Staff recommends a first amended order of non-compliance, with a hearing to impose fine scheduled for August 21, 2019.

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

July 17, 2019

CEB2019120-DAVID DR LLC

Posted

Complaint No. 20190114017

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: 1235 David Dr, Daytona Beach 32117

Parcel No. 523703050170 Zoning: R-5

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Jan 16, 2019

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. The most recent inspection was on June 28, 2019. The site and conditions remain unchanged. The vehicles all remain where they were and there has been no contact with the property owner. Staff recommends a fine in the amount of \$50.00 per day, per case, not to exceed \$7,300.00; to commence on August 22, 2019.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$7,400.00, to begin on August 22, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019121-DAVID DR LLC

Posted

Complaint No. 20190114021

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: 1235 David Dr, Daytona Beach 32117

Parcel No. 523703050170 Zoning: R-5

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Jan 16, 2019

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

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CEB2019158-MURRILLO SANTIAGO ARTURO H

Served

Complaint No. 20190116067

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: 1604 Carmen Ave, Daytona Beach 32117

Parcel No. 424219340230

Zoning: R-5

Code Compliance Officer - Robert Chayer

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

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. The most recent inspection was on June 6, 2019. Robert said he checked to see if any permits had been pulled and as of, July 16, 2019, there are no permits whatsoever. There has been no contact with the property owner. Staff recommends a fine in the amount of \$50.00 per day, not to exceed \$4,000.00; to commence on August 22, 2019.

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, not to exceed \$4,000.00, to begin on August 22, 2019.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019163-SIDDALL JAMES

Served

Complaint No. 20171116007

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-298.09 Off premise sign(s) erected where not permitted

Property Location: 110 Cucumber Ln, New Smyrna Beach 32168

Parcel No. 722301010110

Zoning: A-1C

Code Compliance Coordinator - Margaret Godfrey

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

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Mr Siddall has been out of state but, the neighbor who has been taking care of everything, has been keeping in touch with me. She said she was out there on July 3rd and two of the signs are gone. She said there is only one left and they're having a hard time taking it down. The neighbor said they were going to try sawing it down. Staff recommends a first amended July 17, 2019

order of non-compliance, with a hearing to impose fine scheduled for August 21, 2019.

Member Zahn asked about the home occupation.

Margaret said that's the sign. She said as soon as those are all gone; we're good.

Member Leonard asked which signs had been removed.

Margaret showed the board with her pictures.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance and a Hearing to Impose Fine/Lien to be scheduled for the August 21, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-298.09.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019164-SIDDALL JAMES

Served

Complaint No. 20190311037

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

Property Location: 110 Cucumber Ln, New Smyrna Beach 32168

Parcel No. 722301010110

Zoning: A-1C

Code Compliance Coordinator - Margaret Godfrey

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

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance and a Hearing to Impose Fine/Lien to be scheduled for the August 21, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-283.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019165-CARMEN REBOZO FOUNDATION

Served

Complaint No. 20161214053

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). (Beach access stairs)

Property Location: 7107 S Atlantic Ave, New Smyrna Beach 32169

Parcel No. 850501190070

Zoning: R-9W

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Dec 19, 2016

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. There have been no permit applications to date. She said she had to post the property with the Order of Non-Compliance. Margaret said she did receive a phone call from the property owner and she said she thought the property management company had taken care of all of that. Margaret said this has been going on for three years. Staff recommends a fine in the amount of \$100.00 per day, not to exceed \$66,000.00; to commence on August 22, 2019.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day, not to exceed \$30,000.00, to begin on August 22, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019168-MATZKY VIRGILENE R

Served

Complaint No. 20181228031

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: 1932 Madre St, Suite 0760, New Smyrna Beach 32168

Parcel No. 734410000760

Zoning: MH-5(1)A

Code Compliance Coordinator - Margaret Godfrey

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

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Margaret said she has had several conversations with Ms. Matzky. She said she keeps calling and she's on July 17, 2019

older woman, with her own health issues going on. She said Ms. Matzky is trying to get the vehicle out of there. Margaret said Ms. Matzky calls almost every single day. Staff recommends a first amended order, with a hearing to impose fine scheduled for September 18, 2019.

The Chairman asked Ms. Matzky's plans for the vehicle.

Margaret said she's trying to get someone to tow it; she's having a hard time, getting someone out there.

Member Leonard asked if there were any more complaints.

Margaret said no.

The Chairman asked if there was a driveway on the property.

Margaret said there is and there is a car parked there.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance and a Hearing to Impose Fine/Lien to be scheduled for the September 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-287 (E).** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019169-MATZKY VIRGILENE R

Served

Complaint No. 20181228032

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: 1932 Madre St, Suite 0760, New Smyrna Beach 32168

Parcel No. 734410000760

Zoning: MH-5(1)A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Feb 20, 2019

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue a First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the September 19, 2019 hearing for Violating Volusia County Code**

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of Ordinances, Chapter 118 Section 118.34. After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019188-HENDRICKS RONALD

Served

Complaint No. 20190301086

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

Property Location: 47 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000580 Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Mar 06, 2019

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. Robert said he's had contact with Mr. Hendricks and he has been trying to clean it up. He said he would have been here today, except he had a court hearing that he had to attend. Staff recommends a first amended order with a hearing to impose fine scheduled for August 21, 2019.

The Chairman asked Robert, when was the last time he saw the property.

Robert said I think it was in April.

The Chairman said so the property owner has told you, he's making progress.

Robert said that's the conversation we had this morning.

Member Leonard asked if Mr. Hendricks said why he didn't come to the June hearing.

Robert said he did not.

Stanley Pollock said the court hearing this morning; Mr. Hendricks wasn't required to be there.

The Chairman said that's not pertinent.

Mr. Pollock said he had re-scheduled to the 23rd, because of the conflict of today's date.

The Chairman said that's not pertinent.

July 17, 2019

Mr. Pollock said Mr. Hendricks is not here today and there's no hearing.

The Chairman said he's not present.

Mr. Pollock said there's no court hearing; there's no reason for him not to be present. He said he took pictures of the property and has them on his phone.

The Chairman said in your person opinion, have you seen any progress.

Mr. Pollock said no; if anything there is more stacks, he's still working out there in the yard.

Member Wild asked what kind of work, Mr. Hendricks is doing in the yard.

Mr. Pollock said he does a lot of construction work; there's a lot of glass. He brings a lot of things in from the junkyard; if he finds a good door, he brings it from the junkyard and keeps it in the backyard, until he uses it for something. He said he has gutters that he's brought home from a job. He said this guy goes a little overboard. He thinks because he bought the property that he can do whatever he wants, because code enforcement has never been a real issue. He said this has been going on since before, 2016. He said it took three years for Mr. Nelson to get someone to file a violation.

Mr. Nelson said not accurate because we do not have that complaint, sir.

Mr. Pollock said I sent photographs to Jiles; I believe his name was, in 2016. He said the e-mail that I received said they would address it, but there was no further activity. He said I wasn't even aware that there was an actual code for junkyard, until after the hearing I attended in August of 2016. He said then he filed a complaint, specifically for junkyard.

The Chairman asked Mr. Pollock if he's satisfied with the way the violations are being addressed.

Mr. Pollock said yes. He said it's a little discouraging because I just saw you guys drop someone else's fine to zero because they bought the property.

The Chairman said understand those circumstances were different. The person did not create the violations and more so, fixed the situation.

Member Zahn said we haven't fined this yet.

Mr. Pollock said this has been going on, a lot longer than that.

Member Zahn said Mr. Pollock could put his pictures into evidence, I think they'll be July 17, 2019

considered at the next meeting. He said what's really going to matter, when he comes to the next hearing is how he's been working toward compliance. He explained that if nothings been happening over a long period of time, we have a tendency to be a little firmer with the fines.

Mr. Pollock said I've seen some of the amended orders multiplying to five.

Member Zahn asked Mr. Pollock to e-mail his pictures to staff.

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

CEB2019189-HENDRICKS RONALD

Served

Complaint No. 20190402035

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: 47 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000580 Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Apr 04, 2019

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

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

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CEB2019191-POLLOCK STANLEY JACKSON

Served

Complaint No. 20190301089

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

Property Location: 49 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000570

Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Mar 14, 2019

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Stanley Pollock gave his name and address for the record.

Robert said that he has an update. He said that after doing some research, when the computer switched over to send out our notices, not everybody that was notified in the case was notified. The notice did not go out to everyone that it needed to. He said we discussed the case and talked with Mr. Pollock. Mr. Pollock brought the property into compliance. He said the property is in compliance and the notice, was not a good notice. He said staff is asking the board to re-open the case and then rescind the order of non-compliance.

The Chairman asked when the compliance date was.

Mr. Brown said I think it was this month. He said the issue is it should have never been noticed, or the violation should never have been issued in the form it was issued. We don't want a record, where this could be brought out for a repeat violation in the next five years. He said I don't think that's proper. He said what we're asking you is to rescind your previous finding of non-compliance and act like the case never happened. Mr. Brown said dismiss the prior finding of non-compliance and dismiss the case, I think would be the proper motion.

Based on the evidence and testimony provided, Member Zahn **MOVED to reopen the initial case and finding of non-compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

Member Zahn said well isn't the case open in front of us, technically.

Mr. Brown said well what's open in front of you, is the hearing to impose fine technically,

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so we're asking you to reopen the actual, original finding of non-compliance.

Based on the evidence and testimony provided, Member Zahn **MOVED to rescind our action finding in violation of the stated ordinance, at that time.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

Member Zahn said for the record, as the motion-maker does it require the seconder to agree to that as well?

Member Leonard said I agree.

Based on the evidence and testimony provided, Member Zahn **MOVED to dismiss the case, as previously brought before the board.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

Mr. Pollock said that he wanted to ask Mr. Brown a question. He said we all take an oath at the beginning of the meeting, what's the penalty for perjury in this type of a board hearing?

Member Zahn said that's a legal finding; you could Google it and find it.

Mr. Pollock said I'm assuming that Mr. Brown is the representative for the county's legal and he would be aware of it.

Member Zahn said yeah, but this isn't the proper venue for asking legal questions. We've got code board cases before us.

CEB2019167-MICHELS CATHERINE

Served

Complaint No. 20190104001

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

Property Location: 1 General Doolittle Rd, Daytona Beach 32124

Parcel No. 620603040010

Zoning: R-4(5)A

Code Compliance Coordinator - Margaret Godfrey

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

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Margaret said she was out to the property and spoke with a woman. She said the RV is still not tagged and

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it is still sitting there. She said as of yesterday, it is still sitting there. The woman said she doesn't have a license and it belongs to her ex-husband. Staff recommends a fine in the amount of \$50.00 per day, per case, with a cap of \$4,500.00 per case; to commence on August 22, 2019. She said it's not plugged in, it's just not tagged.

The Chairman asked if the woman was Catherine.

Margaret said no, it was a woman who lives there.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$4,500.00, per case to begin on August 22, 2019.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019166-MICHEL'S CATHERINE

Served

Complaint No. 20190220044

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: 1 General Doolittle Rd, Daytona Beach 32124

Parcel No. 620603040010

Zoning: R-4(5)A

Code Compliance Coordinator - Margaret Godfrey

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

*Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$4,500.00, per case to begin on August 22, 2019.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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X. Hearings and Presentation of Filed Notices of Violations

CEB2019195-ROSS CHERYL E

Served

Complaint No. 20190213017

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

Property Location: 130 Via Madrid Dr, Ormond Beach 32176

Parcel No. 322101000280 Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Mar 02, 2019

THIS CASE WAS WITHDRAWN

CEB2019213-BOWE DOROTHY JEAN

Hand-Delivered

****REPEAT VIOLATION****

Complaint No: 20190305045

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

Property Location: 691 S. Yonge St. Ormond Beach 32174

Parcel No. 424220310010 Zoning:B-4

Code Compliance Officer - Robert Chayer

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

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Kimberly Beavers, gave her name and address for the record. She said she is the owner of the business.

Robert said this is a repeat violation; signs without permit and running a body shop in B-4 zoning. He said originally the body shop received an Order of Non-Compliance and Order of Dismissal on April 18, 2018 and the sign received an Order of Non-Compliance on April 18, 2018. He said the Order of Compliance for the sign case was granted on July 18, 2018.

Robert said the notices of repeat violation were posted on the property, on July 3, 2019; the notice of hearing was posted on the same day. He said his most recent inspection was on that same day. Robert showed his pictures from March 4, 2019 and April 3, 2019. He said there appeared to be wet-sanding going on, on the property. He showed pictures of a Mustang from April 5, 2019. He explained that the car was primer colored, but was now red. Robert showed the board, various classic cars that had been repainted; July 17, 2019

presumably on the property. He showed the board of the Insane Cycles sign that is on the front of the building, without a permit.

Robert said there were people there that wanted to testify.

The Chairman asked if the signs on slide 12, were brought into compliance. He asked if the middle sign was added.

Ms. Beavers said we had that sign first. She said they had to take it down, because it was too big. She said they hired a sign guy; to do a sign. She said he obtained a permit and he told them they were told that they could put the sign back up, until they got their sign. She said they did and I guess it's in violation again.

The Chairman asked if that is the county's understanding as well.

Robert said there is a permit issued for signage, but it does not match anything that's on the building, at this point.

Margaret Godfrey, Code Compliance Coordinator, said those were the signs that were in violation, originally. She said they have been up and down and up and down. She said at one point they put an electronic sign up. She said he's done several things, and every time he gets notice, he takes them down again. She said they've been on different parts of the building; Margaret said at one point, they were on the building next door. She said he takes them down, when he sees someone out there and he puts them right back up again.

The Chairman said so, there's a sign permit, but it's not necessarily for the signs we see, in this photo.

Ms. Beavers said correct. She said we signed with the company on 6/18, who then came to us and said we can put that sign back up; until he gets our sign ready. She said so, we did and that sign has been up there since.

The Chairman said and I don't believe the county issues, temporary sign permits.

Margaret said they do issue temporary sign permits. She explained the requirements and explained that nothing like that was ever issued, to put anything like that on that building.

The Chairman asked if there was a business tax receipt.

Margaret said there is.

The Chairman said they have a BTR, but it's not a permitted use.

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Margaret said the pin-stripping, any sanding, any painting, any airbrushing, anything requiring body work, is not allowed in that zoning.

Ms. Beavers said well, I have a permit for body work.

Member Zahn asked if there was a specific requirement for painting. He said building plans are really specific, when you're painting, because of the flammability.

Mike Nelson, Building and Code Administration, said its non-explosive fixtures. He said the stuff is highly flammable and it can explode.

Member Zahn said isn't the paint booth, fully enclosed.

Mr. Nelson said it's fully enclosed; it's ventilated. He said there's strict requirements on it and it's also in the Florida Fire Prevention Code; so it's not just a building code issue.

Member Zahn asked what business is not permitted and what is in B-4 zoning.

Robert said what is allowed in B-4 is: an automobile service station, types A and C. He said type B is not. He said type B is only allowed in B-5 zoning. He said the difference is, type B is basically body work. He said type A is mechanical/fixing.

Member Zahn said so, you can take engines in and out. He asked about C.

Margaret said that allows a gas station.

The Chairman asked when we found this property to be in compliance, previously; did the body shop go away?

Margaret said no.

Ms. Beavers said yes it did.

Mr. Nelson said you ceased operation of the body shop and you took the signs down.

Ms. Beavers said we took the signs down and we now have a lease on a building that is zoned, for paint and auto-body. She said the cars that everyone was sanding were brought back to this facility, where they were reassembled.

Margaret said it can't be sanded on.

Ms. Beavers said they have signed a lease, with a body shop; where we can do the body work, on these cars. She said the sign we took it down, as we were told. She said they signed a contract with the sign guy and we were allowed to put it back up and it went back
July 17, 2019

up. She said it was June that we put it back up and no one came by to say anything, until March of 2019; that we were in violation again. She said nobody even said that again because it was July on here that somebody came around, to tell us that we were in violation.

Member Zahn said the sign is clearly, in violation and you're clearly trying to follow the rules. He said that the fine should be minimal.

Robert read the April 18, 2018 minutes, into the record.

Member Zahn explained what makes a repeat violation. He said I'm thinking \$300.00. He asked the board if they thought Ms. Beavers is flagrantly in violation, or if it's a mistake.

Ms. Beavers said she has called code enforcement several times, over the past couple weeks and left numerous messages. She said they say, we can't do airbrushing as this facility, but we can. She said she asked if they are allowed to airbrush on their building; our name, so that we have some type signage on our building. She said nobody has returned my call.

Member Zahn said I don't think we're taking that into consideration.

Ms. Beavers said I'm trying to rectify, not having that sign on the building. She said nobody has told me anything else we can do; other than take the sign down and get a fine.

The Chairman said I think that would be a question for zoning.

Ms. Beavers said I've tried; I've left them several messages and no one has returned my call.

The Chairman discussed what the zoning, code compliance and permitting departments do, to Ms. Beavers.

After the motion was moved and seconded, the Chairman asked if there was a sign permit issued.

Robert said yes.

Ms. Beavers said that's why I thought I was safe.

Using the pictures, the question was clarified.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue a one-time fine, in the amount of \$400.00 for repeat violation of County Code of July 17, 2019**

Ordinances, Chapter 72 Article II Division 8, Section 72-298.02 After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019214-BOWE DOROTHY JEAN

Hand-Delivered

****REPEAT VIOLATION****

Complaint No. 20190514057

Violation of CODE OF ORDINANCES, CHAPTER 72 ARTICLE II DIVISION 8, SECTION 72-298.02 A prohibited sign (s)

Property Location: 691 S. Yonge St. Ormond Beach 32174

Parcel No. 424220310010 Zoning: B-4

Code Compliance Officer - Robert Chayer

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

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Darrell Abrahamson, Environmental Management, said the business is under enforcement right now, with Volusia County, Environmental, because they exceeded the noise ordinance. He said they have until the 22nd, of this month to come into compliance.

Ms. Beavers said air compressors.

Member Zahn asked how that applies to business where not permitted. He said essentially what we're zeroing in on is body work. He said the issue here, is the painting and bodywork going on, on site.

Darrell said the air compressors are used to paint; he said the noise is coming from the compressors, is why they're in violation.

Member Zahn recapped what they saw in pictures. He said it appears to us laypeople, to be bodywork.

The Chairman asked Darrell, if it had been observed that there is painting being done on the property.

Darrell said yes sir, it's been documented.

Member Zahn said that's direct testimony that painting has been observed, to your knowledge and belief on the property.

Darrell said yes sir.

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The Chairman said without the proper paint booth.

Darrell said yes sir.

Russ Brown, Assistant County Attorney, said Mr. Abrahamson, just for specificity did you observe the painting.

Darrell said no, the complainant recorded it with his phone and actually turned it over to Joanie Coil, Environmental Specialist I, who is the personnel in that area.

Robert said just to clarify, the gentleman that wants to testify, took the video; he has the video with him.

Member Needham asked Ms. Beavers if there was painting.

Ms. Beavers said we do spray bomb painting. She said the neighbors behind them, have never been happy since they've been there. She said she's gone to court over air compressors, which the judge said they can have, if it's to code. She said when the lady took her to court, she had no proof; she just wanted me to make them quiet. She said it wasn't till about a month ago, that code enforcement came out and tested for the noise ordinance. She said she would muffle them, if that's what she has to do. She said I'm not going to do it, just because the neighbors don't like us being there. She said they continuously call.

Mr. Brown asked Ms. Beavers to explain what spray bomb is.

Ms. Beavers said spray cans.

Member Wild asked the purpose of the compressor.

Ms. Beavers said it runs all of their air tools, inside the facility. She said any engine work, taking off tires; everything in the facility runs by air.

The Chairman said you can still have a compressor, in A & C.

Ms. Beavers said it's just not for paint.

The Chairman said compressors are not the violation. He said it's not a business use violation.

Member Leonard said in the future when you're doing this, you have a lease to go to a different building. She said if someone brings their car to you, you take it to some other place; you sand it, paint it etc. and then you bring it back. When you bring it back, you're not going to do any other work to that car.

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Ms. Beavers said other than wet sanding and buffing. She said they do the mechanical first, then it's transported to an off-site body paint location, then it's brought back to be wet sanded and buffed.

Member Leonard said wet sanding is part of the problem. She said wet sanding is not allowed; you can buff all you want, but you can't wet sand.

Ms. Beaver's said okay.

Member Wild put up the current code for zoning types A and C, on the projector. He read it into the record. He said you're allowed type A and C but not type B and there seems to be an awful lot, of type B activities going on. He specified that there seemed to be a lot of reconditioning of vehicles going on.

The Chairman asked Ms. Beavers, if she has ceased the type B activities.

Ms. Beavers said yes.

The Chairman asked approximately when, they ceased type A.

Ms. Beavers said prior to Mr. Chayer coming out there. She said they just signed a lease, for a different location.

Joseph Fioretti gave his name and address for the record. Mr. Fioretti gave the clerk a thumb drive to view.

The Chairman asked Mr. Fioretti, if he took the video.

Mr. Fioretti said yes and that it was taken from the public sidewalk.

Charles Cino, Board Attorney, said you took the video.

Mr. Fioretti said yes.

Mr. Cino said does that video accurately represent what you saw that day.

Mr. Fioretti said yes it is.

Mr. Cino said and you've been in possession of the drive.

Mr. Fioretti said yes. He said everything on the thumb drive, is date stamped. The videos were played and Mr. Fioretti explained them to the board. He commented that he has July 17, 2019

never seen a spray bomb, with an air hose attached to it.

Ms. Beavers said can't say I was there for that, either.

The Chairman said it appears to me, to be a front fascia.

Mr. Fioretti said this is all done at night. He said they leave the doors open. He pointed out an exhaust fan. He explained what the man in the video was likely, spraying. He said it's blowing in the direction of the animal hospital that's across the street. He said but this isn't going on in that location.

Ms. Beavers said and the neighbors have nothing better to do.

Mr. Fioretti said and when the county comes to do their inspections, they can't anything because they're wetting it down.

The board and Mr. Fioretti agreed on the date and time of the videos.

Mr. Brown said in the first two videos, I saw August of 2018 and in the last video, I saw December of 2018. He directed the board to the dates on the JPEG titles. He said it looks like that last one was December 6, 2018. He asked the Chairman the date of compliance, for the violation of business where not permitted; April of 2018?

Robert said found in violation and dismissed by the board on April 18, 2018.

Member Zahn said so this has occurred since that case.

Ms. Beavers said as of May of 2019, a lease was signed for an additional facility. He said the paint company brings us paint, but we have to transport it to that business.

Member Wild asked the date in May.

Ms. Beavers said May 1st or it might have been April 1st.

Member Leonard asked if the painters were their employees, or are you renting out the space.

Ms. Beavers said they're independent contractors.

Member Leonard said so for example, if I had a car that I wanted to do the work on myself, could I come and use your shop.

Ms. Beavers said no. She said my insurance wouldn't cover that.

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Member Wild said that they have been doing it for about four and a half months. He said it's pretty clear that you knew about this particular aspect that you weren't supposed to be doing it. He said you had already been told not to.

Mr. Fioretti said the one video was dated August 9, 2018, at 9:47 at night. He said that's the one with the fan, blowing all the fumes out.

The Chairman said they go as far back as August and as recent as December 8th.

Mr. Fioretti said correct.

Joan Coil, Environmental Management, said she was out there last month. She said she was the inspector for the site of the complaint. She said when I went out there, she did see vehicles that were taped up with plastic. She said this indicates that they have been doing painting. Joan said when she looked into the trashcans she did find the same type paper that any painter would use, to tape off an area, if they're painting. She said there was evidence that they were doing painting in this shop.

Member Zahn asked if there was paint on the paper.

Joan said there was some at the time.

Member Zahn said because paper by itself, doesn't mean anything.

Joan said right.

Ms. Beavers said when these guys sand, they still put paper on it.

The Chairman asked Joan, if she observed spray guns and hoses.

Joan said no, when I went out there I saw no evidence. She said she looked in the cabinets but didn't find anything. She said when she looked at the photos that Mr. Fioretti had, it definitely looked like someone was holding up a 5 gallon can and pouring it into the spray gun. Joan reiterated what she saw on site.

Member Needham asked Ms. Beavers, if it is her testimony that there is no painting going on in the building.

Ms. Beavers said is somebody is painting at night, I'm not there at 9 or 10 o'clock at night. She said I'm not going to say, I witnessed it.

Member Needham said so your testimony would be, you're not sure, but you think maybe
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there isn't. He said okay.

Member Zahn said I think there is enough evidence to show that painting was going on there. The question would be, is it occurring every night since that date; he said probably not.

Ms. Beavers said and never again.

Member Wild said if you went from December of 2018 through April 30th; it's a 145 days and if you go back to August, it's 264.

Member Wild and Member Zahn discussed the criteria for a repeat violation.

Ms. Beavers said it says "...repeat violation found on March 4, 2019." That's when they came out and got us for a repeat violation.

Member Needham said it goes back to the original.

The Chairman explained the fine process for a repeat violation.

A motion was made for a one-time fine in the amount of \$5,000. It was moved and seconded. Under discussion, Member Leonard disagreed with the fine amount. She said it should be at least \$10,000.00. She said Ms. Beavers was not really taking care of her business and did not know, who was there after hours doing work. Member Leonard said I think, it being in repeat violation, we should increase the fine, so that she understands that she has to be in compliance.

Member Needham suggested that the amount be, \$7,500.00.

Member Leonard said she agrees with that.

The Chairman said keep in mind, the property owner is going to get the lien. He said Ms. Bowe will get the lien, based on whatever is determined here.

Ms. Beavers said she wasn't sure what that means.

The Chairman explained there will be a recorded lien on the property, based on whatever is decided here, but it's to the property, not whatever business is operating on the property.

Member Needham amended the motion, to include the fine must be paid in 30 days.

Robert read the minutes from April 18, 2018, in regard to the possibility of a repeat July 17, 2019

violation, into the record.

Mr. Brown said there is no mechanism for enforcement of the 30 days. He said he just didn't understand the 30 days.

The Chairman said typically, that's when we reduce a fine.

Member Needham said if that's not enforceable, then remove that proviso.

Member Zahn agreed and seconded the amended motion.

Mr. Brown asked Ms. Beavers, if she understood what the Chairman was saying, about the real property owners getting the lien.

Ms. Beavers said she does not.

Mr. Brown said since you're in a contractual relationship with the real property owner, that individual or entity will actually get the lien against the property. He said albeit you technically, not being the property owner, are responsible for the lien, but you have contractual relationship with the real property owner. He said I'm sure there's going to be consequences, based on your actions that caused that. He said you won't get the lien against your company. He said I just want to make sure you understand, how it gets filed.

Based on the evidence and testimony provided, Member Needham **MOVED to issue a one-time fine, in the amount of \$7,500.00 for repeat violation of County Code of Ordinances, Chapter 72 Article II Division 7, Section 72-241 After** Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018457-LUZNAR ROGER J

Served

Complaint No. 20180828002

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: 549 N Cr 415, New Smyrna Beach 32168

Parcel No. 721100000030

Zoning: BPUD

Code Compliance Coordinator - Margaret Godfrey

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

*The Board continued this case from the June 19, 2019 hearing:

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said this did have a permit application in; there was a request for additional information, due to where

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the fence is located. She said there's a fire hydrant right next to it and when the Fire Inspector came out, he said no. Margaret said the last time she talked with Mr. Luznar, was last month and nothing has changed. She said there have been no applications and no re-opening of permits. Staff recommends a finding of non-compliance, with a compliance date of August 7, 2019 and a hearing to impose fine, scheduled for August 21, 2019.

Based on the evidence and testimony provided, Member Leonard **MOVED to issue an Order of Non-Compliance with a compliance date of August 7, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the August 21, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 9 Sections 72-341 (b).** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018528-NORONHA LORRAINE

Served

Complaint No. 20180305014

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 windows, roof, door, may not be a complete list)

Property Location: 1440 Primrose Ln, Daytona Beach 32117

Parcel No. 423311000220 Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

THIS CASE WAS CONTINUED

CEB2019137-TROPICAL HAMMOCK INC

Served

Complaint No. 20190329008

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

Property Location: 1485 Lakeview Dr, Deland 32720

Parcel No. 792404000050 Zoning: B-7

Code Compliance Officer - Michael Mazzola

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

*The Board continued this case from the May 15, 2019 hearing:

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Michael Woods, Attorney, gave his name and address for the record. Mr. Woods provided July 17, 2019

information. He said we've requested that it be continued to October.

Mr. Brown asked Mr. Woods, if he was asking for another continuance.

Mr. Woods said a finding of non-compliance.

Michael said non-compliance with a fine/lien hearing to October. Michael said we have a dock-structure without permits. He showed the board his pictures and explained that electrical work had been done. He said he's been on the property with the owners and the contractor and they said they would get the survey and the permits. He showed the board a picture of a dock without permits.

Michael said he posted the property with the notice of violation and request for hearing, on April 24, 2019. He said he spoke to the owners and they said they will get the permits. On June 13, 2019 there was an onsite meeting with the owners, the electrical contractor and staff. The violations were explained, along with the need to be in compliance. On July 3, 2019, the dock permit passed; just the electrical permit. On July 16, 2019 there was a meeting with Mike Carr, Mike Woods and staff. Mr. Carr said there is an electrical affidavit for the R.V camp site. Mr. Carr is working on the permit for the dock. Staff recommends a finding of non-compliance, with a compliance date of October 7, 2019 and a hearing to impose fine scheduled for October 16, 2019.

The Chairman looked at the pictures and asked, if they were all new construction.

Michael said no, it's pretty old.

The Chairman said so, the pilings are probable pretty old. He said maybe some new roofing over the slips, but the pilings are old.

Michael said it looked like new roofing to me.

The Chairman said new roofing.

Mr. Nelson said that's new decking and stringers and it looks like existing pilings.

Margaret said she was on the property as well; she said the property owner said after Hurricane Irma, he had to replace the roof, some of the decking, there's electrical work that's been done. She said some of it is old and some of it is new.

The Chairman said and this is obviously, beyond a repair; this is something that would require a permit.

Mr. Nelson said absolutely.

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Mr. Woods said long term operation with the marina, the docks; there's also a hotel facility. He said those are kind of, the two primary uses that are there. He said there's also R.V issues as well. There has been long term issues on the property, trying to resolve issues with DEP; with respect to reconstructing the docks, dating back the 2004 hurricane. He said that's not exactly what we're here to discuss today. He said it's an older use, with the existing use, you wouldn't be able to build what's out there today; under the existing zoning.

Mr. Woods said what's before you now, is the construction without permit. He said the after –the fact permits for that structure are underway. He said back in May, if you recall, there was an immediacy for health, safety, welfare on the electrical; we immediately took care of that. He said now moving forward, the most pressing issue as cited is, the compliance with the roof and making sure that meets the building code. He said globally speaking, we have the R.V issue that's adjacent; he said the reason why that has taken so much time, is a discrepancy with the boundary. He said the discrepancy is where our property is shown, versus where the neighbor's boundary is shown. He said over the last month, they've discussed whether or not they should acquire additional property. He explained what would need to be done, if they went that route. Mr. Woods explained that it would be a lot of heavy lifting.

Mr. Woods said that the county will be getting a revised site plan. He said they're going to make sure they're within their footprint and that the property is up to code. He said that he knows there are technically two violations that are cited to the adjacent property, because of that boundary issue. He said the global site plan that we'll be submitting will address that as well; remove the structures, get everything back in compliance. He said that he didn't know if all the work will be finalized by October, but we are underway to get the site plan into the county. He said there is a contract to get the proposals going.

Member Wild said obviously, the dock is done and you've said you're attempting to get a permit for the dock.

Mr. Woods said for the roof structure on the dock.

Member Wild asked if that would be held up by the RV or anything.

Mr. Woods said that we're going to move forward with.

Member Wild said it's your intention to move forward with that.

Mr. Woods said we can probably be done with that by October. He said if there's any delay we're going to keep staff informed. He explained that all the cited structures will either be permitted or removed, but there are still going to be structures and improvements that predate the code ordinance that would otherwise be grandfathered in.

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He said they will probably secure variances for that as well. He said I want it to be very clear, that we're taking a very global approach.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 7, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the October 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019215-TROPICAL HAMMOCK INC

Posted

Complaint No. 20190703037

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

Property Location: 1485 Lakeview Dr, Deland 32720

Parcel No. 792404000050 Zoning: B-7

Code Compliance Officer - Michael Mazzola

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

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He showed the board pictures of the RVs on the property.

Member Wild said it's not permitted.

Michael said it's not zoned for it. He showed the board a picture of a hook-up for the electric, to the meter. On August 17, 2018, Michael met onsite with the contractor; he said they would get the appropriate permits and surveys for the violations. On June 13, 2019, there was an onsite meeting with the property owners and contractors; it was explained what needed to be done, to bring the property into compliance.

The property was posted with the notice of violation and request for hearing, on July 3, 2019. Staff recommends a finding of non-compliance, with a compliance date of October 7, 2019 and a hearing to impose fine scheduled for October 16, 2019.

The Chairman asked if there had to be a special exception or a re-zoning, type of use.

Michael said I believe they're trying to do a special exception, but there's so many different options. He said it's up to the owner.

Member Needham said we've been talking with the owner, for some time. What's the dialogue been? They were intending to do something a year ago.

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Mr. Woods said the issue with the RV usage; there was RV usage on site prior to my client coming in. He said it's one of those situations with assumptions. He said the challenge was a way to find out how to entitle it. He said that led to the encroachment issue. He said there's a way through rezoning, but that's not likely to be fruitful. He said it's a whole lot of money without certainty, he said we'd rather get everything into compliance. He said the step is to cease the use, to be able to give the parties that are in the RVs, notice to vacate. He asked for a November compliance time. He said that would cease the use and operation and we would continue the site plan process.

Member Needham asked if the intention was to remove the electrical.

Mr. Woods said yes. He said at the end of the day, what will have to be taken off, is all those encroachments with the RVs.

Member Needham said so the property will be returned to its original state.

Mr. Woods agreed.

The Chairman said some of them have rental agreements.

Mr. Woods said yes, we shoot for October but November gives us a little more breathing room.

Darrell Abrahamson, Environmental Management, said they received a complaint about them draining gray water from 30 or 40 RVs, into the wetlands and a creek. He said the creek drains into an outstanding Florida water body. He said he went out and investigated, he said they were draining the gray water out into the St. John's.

The Chairman asked about the black water.

Darrell said they were pumping it out off site, to a wastewater treatment plant.

Member Wild said that's not in front of us.

Mr. Woods said I think that will be absolutely resolved in November, because no one will be there. He said his client said that the hose, has been disconnected and there's no more gray water going into the creek.

Member Leonard asked if they were now pumping the gray water in to the sewer lines that are being pumped out.

Mr. Woods said yes.

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Member Zahn made a point of order about, what was in front of them.

The Chairman asked Mr. Woods, if he'd be opposed to Mr. Abrahamson visiting the site.

Mr. Woods said he didn't have a problem with that.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of November 15, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Sections 72-241.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019198-RICHARDS ROGER III & RENEE

Posted

Complaint No. 20190506017

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: 149 S Westwood Ave, Deland 32720

Parcel No. 701806000260

Zoning: R-3

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on May 08, 2019

THIS CASE WAS CONTINUED

CEB2019199- DANIEL JACQUELINE M

Posted

Complaint No. 20181011019

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: 1421 W New York Ave, Orange City 32763

Parcel No. 800401710150

Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He said the case involves a shed without permits. He showed the board a photo of the shed. The notice of violation was received on November 10, 2018. Michael said he left a phone message for Ms. Daniel on November 29, 2018. On June 26, 2019, Michael posted the notice of violation and request for hearing on the property. Michael said he was able to speak with

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Ms. Daniel and he invited her to the Code Enforcement Board. She told Michael that she was going to try to get permits for the shed. He said there's no permit yet. Staff recommends a finding of non-compliance, with a compliance date of August 8, 2019 and a hearing to impose fine scheduled for September 18, 2019.

The Chairman asked if it was a block-built shed.

Michael said he's not sure that it's block.

The Chairman asked if it had been there for a while.

Michael said yes. He said its right in the front yard too.

The Chairman commented that the shed was within the front yard setbacks and could not be permitted.

Member Zahn said only a permit will tell.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September , 2019 and a Hearing to Impose Fine/Lien to be scheduled for the September 10, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019200-SIEBERT JEREMY

Served

Complaint No. 20190118012

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Converting a shipping container into an accessory structure.

Property Location: 1329 W Taylor Rd, Deland 32720

Parcel No. 701900000181 Zoning: RR

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jun 07, 2019

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He said he talked to Jeremy about it and its all personal items, in the shipping containers. Jeremy said that he would try to remove it. On February 15, 2019, Michael posted the property will the notice of violation. The certified notice of hearing was received on June 7, 2019. Michael said that is the day that I talked to Jeremy about it. Staff recommends a finding of non-
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compliance, with a compliance date of August 19, 2019 and a hearing to impose fine scheduled for September 18, 2019.

Member Zahn asked if he was planning on moving it.

Michael said yes, he's planning on moving it.

Member Leonard asked about the number of containers in the picture.

Michael said there are two.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 10, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the September 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Sections 72-241.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019204- BARRERA CESAR

Served

Complaint No. 20190215045

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: 5776 James St, Deleon Springs 32130

Parcel No. 600505870070

Zoning: A-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 20, 2019

THIS CASE WAS CONTINUED

CEB2019206-BALDINO BRADEN

Posted

Complaint No. 20190514011

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 unpermitted use of a vacant lot

Property Location: 2550 Old New York Ave, Deland 32720

Parcel No. 791304000169

Zoning: I-1

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on May 14, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

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Michael Wojtuniak, engineer, gave his name and address for the record.

The board asked Mr. Wojtuniak if he was Mr. Baldino's representative.

Mr. Wojtuniak said that he has been given authorization, to speak on behalf of Mr. Baldino.

The Chairman asked Mr. Wojtuniak, if he was working on the site plan for the property.

Mr. Wojtuniak said that he was.

Michael said what we have here, are cars on the property. He showed the board his pictures of the property. He said on May 14, 2019, Mr. Baldino said he needed more time to move the cars and apply for a special exception. The property was posted on June 26, 2019, with the notice of violation and request for hearing. Staff is recommending that the property be found in non-compliance, with a compliance date of August 2, 2019 and a hearing to impose fine scheduled for October 16, 2019. He said Mr. Baldino said that all the cars are gone, except for two dumpsters on the property. He said those are on both properties and they're for trash. Michael said he would have to do an inspection for that.

The Chairman asked if there was a shipping container on the property.

Michael said there's a shipping container and cars on the property, but Mr. Baldino said they have been removed. He said I have to do an inspection, because he just told me today.

Member Needham asked if they all had to be removed.

Michael said yes.

Member Needham asked Mr. Wojtuniak what the plan for removal is.

Mr. Wojtuniak said they will be removed from the property and Mr. Baldino and I, have ordered a survey. He said we're going to progress with a site plan, but as this board should know, it's going to take time. He said the property is completely vacant; everything you see in these photos, has been removed.

Member Needham said so the containers have been removed.

Mr. Wojtuniak said yes, sir. He said the cars are all gone, as of last night.

Member Needham asked if they could just continue the case.

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Mr. Wojtuniak said when we say continue, you know this will not be done in a month, right?

Member Zahn said the site plan is unnecessary, the violation is for the stuff on the lot.

Mr. Brown said sir and just for the record, the testimony is that the adjacent property is also cleared up too, right?

Mr. Wojtuniak said the properties that Mr. Baldino is in ownership and control of, have been cleared; both properties.

Based on the evidence and testimony provided, Member Zahn **MOVED to continue the case to the August 21, 2019 hearing.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019207-BALDINO BRADEN

Posted

Complaint No. 20190514017

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 unpermitted use of a vacant lot

Property Location: 2570 Old New York Ave, Deland 32720

Parcel No. 791304000163 Zoning: I-1

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on May 14, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to continue the case to the August 21, 2019 hearing.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019208-ABC DEMOLITION INC

Posted

Complaint No. 20190514005

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

Property Location: Lakeview Dr, Deland 32720

Parcel No. 791304000165 Zoning: I-1

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on May 16, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Edward Grimes gave his name and address for the record. He is the owner of ABC Demolition.

Michael said there is stuff on the property and it's supposed to be vacant. He said there are cars, equipment and supplies on the property. On May 16, 2019, the notice of violation was received. On June 27, 2019, the property was posted with the notice of violation and request for hearing. Staff is recommending that the property be found in non-compliance, with a compliance date of August 2, 2019 and a hearing to impose fine scheduled for October 16, 2019.

The Chairman asked Michael if the violation came to him, as a complaint.

Michael said yes.

Mr. Grimes said he owns the property across the street from this one. He said his main facility is there. He there is a site plan for the operational facility. He said as far as, handicapped parking, he has that over there. He said as his company grew, he didn't fit on the property. Mr. Grimes said he bought the property, which is the same zoning, to park the overflow. He said it is roll-off dumpsters, containers and the trucks that aren't being used. He explained it's for the equipment that's not being used. He explained that he just needs somewhere to put it, when it's not in operation. He explained that he has nowhere to put the items, if asked to remove it from the property.

He said he has been in touch with Mr. Wojtuniak and Brad over the violations. He said he started with the violations for the abandoned cars, which were not on his property. He said everything on his property is tagged and actively used. He said there's nothing that can't be moved. He said from what I understand a site plan is going to cost \$20-\$25,000 for a parking lot. He said that he won't be able to move all of the items onto his other

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property; he said it won't fit. He said you're basically putting me out of business.

Member Needham explained that the code is, what the code is. He explained the purpose of the code enforcement board. He asked what Mr. Grimes plans to do.

Mr. Grimes said he was supposed to have his new survey today. He said he may have it next week. He said they're trying to put in for a site plan, for a construction lay down yard.

Mr. Nelson said so long as you are moving forward, we can handle this with amended orders.

Member Wild asked staff to explain I-1 zoning and why the use isn't allowed.

Michael said there was no site plan.

Member Zahn said you have to turn in a site plan; you can't just put things on a lot.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 10, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the October 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Sections 72-241.** After Member Leonard SECONDED the motion, it **CARRIED** unanimously by voice vote.

CEB2019210- WOOD KENNETH A

Posted

Complaint No. 20170526033

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

Property Location: 1320 S Beresford Rd, Deland 32720

Parcel No. 792402110010 Zoning: A-2

Code Compliance Officer – Michael Mazzola

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

THIS CASE WAS CONTINUED

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CEB2019211-SANCHEZ ROSA HERNANDEZ

Posted

Complaint No. 20190416047

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: 122 W Baxter St, Deleon Springs 32130

Parcel No. 694301010030

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said a stop work order has been posted on the property, along with the notice of violation and hearing. She showed the board pictures of the property. Margaret said there was electricity running to the house from the house next door. She said the electricity has since been turned off. Staff recommends an order of non-compliance and order of dismissal, with referral to the CLCA. She said it's a hazard; anyone can get in there and do whatever they want.

The Chairman asked if it was an addition.

Margaret said it was a small house and they tore off the whole front of it.

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

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IX. Requests for Discussion of Fines

CEB2014190-FIGUEREDO, ANTONIO

Posted

Complaint No. 20140805054

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: 1655 Margaret St, Deland 32720

Parcel No. 701909060320

Zoning: R-4

Code Compliance Coordinator – Margaret Godfrey

Property owner was first notified of the violation on Aug 15, 2014

*Order of Non - Compliance issued at the December 17, 2014 hearing:

*1st Amended Order of Non-Compliance issued at the January 21, 2015 hearing:

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

* An Order of Compliance was issued at the July 17, 2019 hearing:

Request to Discuss Fine of \$23,900.00

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

David Reyes gave his name and address for the record. He said he was there on behalf of the property management company.

Margaret said there had been a re-roof and a couple of other things done, on this property. She said after the property reached the current lien amount, Mr. Figueredo purchased the property. She said he did not cause the violation. She said he obtained the proper permits and inspection approvals. She said even though there was an order of compliance issued on July 17, 2019, the property itself was actually in compliance by January of this year. Margaret said Mr. Figueredo bought the property, knew what the problems were and came in and fixed them. Staff recommends that the fine be reduced to zero, because Mr. Figueredo did come in and cure the violation.

Based on the evidence and testimony provided, Member Zahn **MOVED to reduce the fine/lien to zero.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018366-FREEHOLD PROPERTIES INC

Served

Complaint No. 20160720014

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

Property Location: 2116 Poinsettia Dr, Port Orange 32128

Parcel No. 622201001100

Zoning: MH-3

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

*An Order of Compliance was issued at the May 15, 2019 hearing:

Request to Discuss Fine of \$2,100.00

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Colleen Miles, Land Development Resource Group, gave her name and address for the record. She spoke on behalf of the property owner, David Marshlack.

Margaret said this case has been going on since, May of 2015. She said there were several buildings and accessory structures that were built and brought in, without permits and inspection approvals. The notice of violation was hand-delivered and the property owner still ended up bringing in more, which added to the violation list. She said there was electrical and all kinds of things done out there.

Margaret said the board found the property in non-compliance on November 21, 2018; an order imposing fine/lien in the amount of \$100.00 per day, with a cap of \$26,000.00 on February 20, 2019. The order of compliance was issued on May 15, 2019 and the fine amount is \$2,100.00. Due to the length of time that it took to bring the property into compliance, as well as continuing to build after the notice of violation was received; staff recommends that the fine not be reduced and stay at \$2,100.00.

Member Zahn asked how they came into compliance.

Margaret said Colleen; when she came in, that's when things started getting taken care of.

Colleen said what happened in 2015, is that Mr. Marshlack did come in and meet with some city officials, relative to getting an Ag exemption put on the property; which happened in 2016. He was told at that time, if you have an Ag exemption you don't need
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a permit to build. She said what it is, is you don't need a permit to build, what is Ag related. Colleen went through Margaret's pictures and pointed out the structures that did not need permits. She pointed out a roof that was put on a building that is Ag exempt, so after meeting with the Building Official and code enforcement; he needed to get a permit. She said he had to get a permit for that structure, a dock and a barbeque pavilion. She said he did apply for a permit for the sheds that look like log cabins, however he was told that he could have guest houses. Mr. Marshlack applied for those buildings to be guest houses, after he was cited for building guest houses. She said they submitted permits for those buildings, which are in fact storage buildings. She said they submitted architectural drawings for the dock, electrical and the pavilion. She said everything was cleared up and he continued under the finding of 2015.

Colleen said he was found in compliance in 2015 and then re-cited in 2018. She said she's looking for some alleviation because, September 2018 until April; we got everything in compliance.

Member Needham asked if the county heard anything that they hadn't heard before.

Margaret said no; the Chief Building Official and I, met with Colleen as soon as she came on board. She said Colleen was on it. Mr. Marshlack had to get four different permits for four different structures. Margaret said in the meantime, it was still going on.

Member Needham asked if it was extra county time.

Margaret said no; it was explained to him repeatedly and even after he received the notice, he still brought in those little sheds.

Mr. Nelson said the recommendation is whatever the recommendation is; the board's pleasure is fine with staff.

Based on the evidence and testimony provided, Member Zahn **MOVED to reduce the fine to \$1,500.00, payable within 30 days.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

July 17, 2019

CEB2019079-RYAN HAROLD J & BRENDA M

Posted

Complaint No. 20180810001

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

Property Location: 170 Birch Av, Orange City 32763

Parcel No. 801501000200 Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

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

*An Order Imposing Fine/Lien was issued at the June 19, 2019 hearing:

Request to Discuss Fine That is Due to Start on July 18, 2019

Mr. & Mrs. Ryan did not attend the hearing, so the Code Enforcement Board, took NO ACTION

CEB2019080-RYAN HAROLD J & BRENDA M

Posted

Complaint No. 20190110005

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

Property Location: 170 Birch Av, Orange City 32763

Parcel No. 801501000200 Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

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

*An Order Imposing Fine/Lien was issued at the June 19, 2019 hearing:

Request to Discuss Fine That is Due to Start on July 18, 2019

Mr. & Mrs. Ryan did not attend the hearing, so the Code Enforcement Board, took NO ACTION

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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

July 17, 2019

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 _____, 2019, in the City of DeLand, County of Volusia, State of Florida.

**Meghan Lindsey
Code Board Clerk**

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