



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

July 18, 2018

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

MEMBERS PRESENT

- Chad Lingenfelter, Chair**
- Harry Wild, Jr., Vice-Chair**
- Tom Wright**
- Donald Needham**
- Charles Cino, Board Attorney**
- Pete Zahn**
- Kenneth Runge**
- Gerard Smith**

MEMBERS ABSENT

STAFF PRESENT

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

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APPROVAL OF MINUTES

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Member Needham moved to APPROVE the June 20, 2018 Code Enforcement Board minutes. Member Wild SECONDED the motion that CARRIED unanimously by voice vote.

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

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UNFINISHED BUSINESS

CEB2017383-LAMB JAMES E

Posted

Complaint No. 20171012008

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

Property Location: 1636 San Jose Blvd, Daytona Beach 32117

Parcel No. 424219170210

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

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

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

Order of Compliance

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

CEB2017419-BOWE DOROTHY JEAN

Posted

Complaint No. 20171110058

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

Property Location: 691 S Yonge St, Ormond Beach 32174

Parcel No. 424220310010

Zoning: B-4

Zoning Compliance Officer - Margaret Godfrey

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

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

*Final Order Imposing Fine Lien issued at the May 16, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of June 12, 2018:

Order of Compliance

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

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CEB2018178-MIDLAND IRA INC & FBO WILLIAM BOYER IRA Posted

Complaint No. 20180220038

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Expired pool fence permit #20161122069)

Property Location: 13 Essex Dr, Ormond Beach 32176

Parcel No. 420305000430 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

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

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

Order of Compliance

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

CEB2018005-EMTYAZ MOHAMMAD TR

Served

Complaint No. 20171110034

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

Property Location: 1363 Hurst St, Daytona Beach 32117

Parcel No. 520200000530 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

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

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

Order of Compliance

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

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CEB2016233-FRIERSON BRENDA MARKER

Posted

Complaint No. 20160415010

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: 1089 Marion St, Lake Helen 32744

Parcel No. 810503000010

Zoning: R-4

Zoning Compliance Officer – Michael Mazzola

Property owner was first notified of the violation on Apr 25, 2016

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

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

Order of Compliance

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

CEB2018189-COLLINS STEPHEN C & MEGAN D

Served

Complaint No. 20140721013

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

Property Location: 8119 Baxter Point Rd, Mims 32754

Parcel No. 133600000020

Zoning: RC

Code Administration Manager – Chris Hutchison

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

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

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

Order of Compliance

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

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CEB2016163-BROWNING GERTRUD TR & GERTRUD BROWNING REVOC TRUST
Posted

Complaint No. 20120229006

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s)
Property Location: 7103 S Atlantic Av, New Smyrna Beach 32169

Parcel No. 850501190030

Zoning: R-9W

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Jun 01, 2013

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

*1st Amended Order of Non-Compliance issued at the December 21, 2016 hearing:

*2nd Amended Order of Non-Compliance issued at the April 19, 2017 hearing:

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

*4th Amended Order of Non-Compliance issued at the January 17, 2018 hearing:

*Final Order Imposing Fine/Lien issued at the June 20, 2018 hearing:

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

Order of Compliance

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

CEB2017136-MORIN RICHARD J

Served

Complaint No. 20170221029

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

Parcel No. 71330000029

Zoning: A-2

Zoning Compliance Officer – Michael Mazzola

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

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

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

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

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

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

*5th Amended Order of Non-Compliance issued at the June 20, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Michael said that he's still waiting on paperwork to be submitted, from his architect. Staff recommends an order imposing fine/lien be issued with a fine of \$50.00 per day, capped at \$12,600.00 to commence on August 16, 2018.

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After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day , not to exceed \$12,600.00 to begin on August 16, 2018.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017175-ALLARD VALERIE

Posted

Complaint No. 20141014023

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

Property Location: 1191 Lemon Bluff Rd, Osteen 32764

Parcel No. 922805000030

Zoning: R-5

Code Administration Manager – Chris Hutchison

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

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

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

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

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Chris Hutchison, Code Administration Manager, presented the case. Staff is recommending a fifth amended order of non-compliance, with a hearing to impose fine scheduled for January 16, 2019. The reason for this recommendation, is that they're having trouble getting as-built drawings for the pool enclosure. He said we did have a meeting back in June and they've gotten variances and they are working to try to bring the property into compliance. He said that they just need some time. There are no health or safety issues on the property, so we feel it's okay to give that amount of time.

The Chairman asked if the shed that was straddling the property line is gone.

Chris said that it was gone.

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

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Third Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017221-MORRISON MICHAEL J

Served

Complaint No. 20170724005

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

Property Location: 331 N Tymber Creek Rd, Ormond Beach 32174

Parcel No. 412404000530

Zoning: MH-4,RC

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. The site and conditions remain unchanged, therefore staff is recommending an order imposing fine/lien, with a fine in the amount of \$25.00 per day per case, to commence on August 16, 2018; not to exceed \$3,000.00 per case.

The respondent gave his name and address for the record. He said this is not the first time that we've discussed these issues; they dropped one, but it came back up again. He said that the mobile home that he has on the property, was brought there by FEMA. Mr. Morrison said that he told them when they brought it there, that he has had problems with the county before. He said that FEMA explained that they were federal and that they trump the county. He said they told him that he could have the camper and they hooked it up. He said they installed it, they did everything.

Mr. Morrison explained that since he was last before the board that a tree fell on the roof. He said that he can't live in the camper anyway. He said that he took up residence in Holly Hill. He said that it doesn't do him much good for his garage; his storage container. Mr. Morrison explained how items could once be one thing, but through recycling, could be made into something else. He said that his storage shed is not a shipping container any longer. He explained that it was damaged in shipping and can't be used for shipping any longer. He said that he bought it from people, who sell these in our county. He said that there are thousands of these converted to storage sheds, in our community, as we speak.

Mr. Morrison said that he contacted several people that sell shipping containers and they said that they never had to have a permit. He said that he doesn't know what is so special about me that I can't have it. He explained that the shipping container is replacing a wooden garage that was on the property when he bought it. He said that the container has withstood the hurricanes and that he's never had any problems with it. He reiterated that the storage shed is no longer a shipping container.

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Mr. Morrison explained what the zoning department told him in regard to converting shipping containers into useable structures.

The Chairman asked if the RV was on the property with a tree on it.

Mr. Morrison explained that the RV was still on the property but not livable.

Margaret asked if it was unplugged.

Mr. Morrison said yes.

Margaret said that it's parked correctly, as so long as it's not plugged in, she could inspect it and call it a day.

The Chairman explained some of the things that could be done with storage containers but explained that the ordinance stated that, it cannot be converted to an accessory structure. He said that it's a storage container.

Mr. Morrison said that he doesn't doubt that it's a storage container, he said that it's not a shipping container.

Member Zahn asked if it's a violation because it's an accessory structure.

Margaret said no, it's a violation because it can't be converted from a shipping container. She said a shipping container cannot be converted into an accessory structure, however it can be converted into a primary structure. She said if you want to build it and use it as a house, you can.

Member Zahn said that it's a zoning issue, not a building one.

Margaret agreed.

Mike Nelson, Building and Zoning Director, explained the history of the ordinance. He reiterated that it's a zoning issue, not a building one. He said it's not permitting in this zoning classification. Mr. Nelson explained when it would be acceptable and why it is not acceptable on Mr. Morrison's property.

Mr. Morrison asked how to convert shipping containers to a living space.

The Board Attorney, Charles Cino, directed Mr. Morrison to the zoning department.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be**
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scheduled for the September 5, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241. After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017222-MORRISON MICHAEL J

Served

Complaint No. 20170724006

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

Property Location: 331 N Tymber Creek Rd, Ormond Beach 32174

Parcel No. 412404000530

Zoning: MH-4,RC

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the September 5, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017395- HOWARD GIDGET & VIRGINIA PELLICER & VEEN ELIZABETH

Served

Complaint No. 20170629039

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

Property Location: 1213 David Dr, Daytona Beach 32117

Parcel No. 523703060190

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

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

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

Hearing to Impose Fine/Lien

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The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On April 17, 2018, a demolition permit was applied for and there was a request for additional information. The additional information was never provided, so the permit was cancelled. Staff is recommending an order imposing fine/lien, in the amount of \$50.00 per day, to commence on August 16, 2018; not to exceed \$4,100.00.

The Chairman asked for the present status of the property.

Margaret said it hasn't changed.

The respondent gave her name and address for the record. Ms. Howard said that she didn't receive the request for additional information.

The Chairman asked if they had a contractor apply for this.

Ms. Howard said that they did, an after the fact permit.

The Chairman said that's what you were applying for.

Mrs. Howard said that she hadn't received anything except the court date. She said that the garage has been enclosed since the early 60's, until around 2004. We didn't know we couldn't re-enclose it. She said that he uncle knocked it down and they just put it back, like it originally was. Ms. Howard said that there's not electricity running to the room and that they county is welcome to come look at it.

The Chairman said that you needed a permit to re-enclose it and that's probably why you hired a contractor to do it. He asked the respondents if they were interested in getting a contractor and keeping the enclosed garage.

The respondents said yes.

Member Zahn reiterated what had been done by the respondents. They explained to the board what the contractor had done. He asked staff if they were asking for additional time.

Margaret said it was originally pulled as a demolition permit. She said that was the problem, because staff wanted to know what was being demolished and is it structural. If she was to just come in and get an after the fact permit, for what is already there, I think that would be fine; get affidavits and everything like that.

Member Zahn said I do a lot of them, so I know there's a process for it. He explained what would happen if Ms. Howard had after the fact permits. He said it sounds like you're doing
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whatever it is that you need to do.

The board discussed what the respondent needed to do, to bring the property into compliance.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017426-CONDON DONALD JOHN

Posted

Complaint No. 20171219004

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

Property Location: 1112 Avenue F, Ormond Beach 32174

Parcel No. 422901140190

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on January 10, 2017

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. The site and conditions remain unchanged, therefore staff recommends an order imposing fine/lien in the amount of \$25.00 per day, per case to commence on August 16, 2018; not to exceed \$1,400.00 per case.

The Chairman asked if there was any correspondence with the property owner.

Margret said no. She said she had to post the property with the order of non-compliance. Margret said she thought he went back to Canada.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day, per case with a cap of \$1,400.00 per case; to begin on August 16, 2018.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018133-CONDON DONALD JOHN

Posted

Complaint No. 20180307003

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

Property Location: 1112 Avenue F, Ormond Beach 32174

Parcel No. 422901140190

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day, per case with a cap of \$1,400.00 per case; to begin on August 16, 2018.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018032-COLLINS ROBERT

Posted

Complaint No. 20171120042

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: 3903 Cardinal Blvd, Port Orange 32127

Parcel No. 631101020100

Zoning: R-9(S)

Zoning Compliance Coordinator - Tammy Proulx

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Chris Hutchison, Code Administration Manager, presented the case. Chris said that prior to the code enforcement board hearing, the order of non-compliance with today's hearing date, was returned to us. He said we received it yesterday as undeliverable and he couldn't see that the property had been posted. Chris said staff is recommending an amended order of non-compliance, with a hearing date of September 5, 2018.

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

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Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the September 5, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3. After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018051-MORRIS ANN

Served

Complaint No. 20160810040

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C) Trailer improperly parked
Property Location: 3101 S Peninsula Dr, Daytona Beach 32118

Parcel No. 533403010050

Zoning: R-3

Zoning Compliance Coordinator - Tammy Proulx

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Chris Hutchison, Code Administration Manager, presented the case. The order of non-compliance was posted on the property on July 5, 2018. There has been no correspondence with the property owner and the site and conditions remain unchanged. Staff is recommending a fine of \$25.00 per day, to commence on August 16, 2018; not to exceed \$19,600.00.

After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day, with a cap of \$19,600.00; to begin on August 16, 2018.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018080-JONES JAMES C

Served

Complaint No. 20171026023

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: 678 Orange Camp Rd, Deland 32724

Parcel No. 702801300010

Zoning: R-3

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Feb 20, 2018

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

Hearing to Impose Fine/Lien

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The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Michael said that there are still abandoned vehicles and a junkyard on the property. Michael said that there has been very little progress on the property.

The respondent gave his name and address for the record. He said that he's been trying to clean up the property but he's been diagnosed with a serious medical condition. He said that he could provide information, if the board would like to see it.

The Chairman said you're testimony is sufficient.

Mr. Jones said that he is in line for a major operation. He said that his ability to work is limited and that his doctor issued a statement, which says don't work or go out in the heat. He said that there will be another month or two of tests, before they can schedule the operation. He said that he will be in intensive care and on bedrest for several weeks afterward. He said that he's made minor progress but if he could sell something, he'd use the proceeds to hire someone. He said that he just doesn't have the physical ability to do much, right now.

The Chairman asked if the vehicles that needed to be addressed are still there.

Mr. Jones said that they were.

The Chairman asked if he could get someone for \$25 or \$50 bucks to mow the thing.

Mr. Jones said yes. He said that he should have hired someone to mow and that he didn't know how fast the grass would grow.

Member Wild asked if there was any way that staff could go in and mow and then charge Mr. Jones.

Mr. Nelson explained that there would be if we had funds.

Mr. Jones said we'll find someone to mow.

Member Needham asked if the pictures are what the property currently looks like. He said if it is, that the violations need to be addressed. He said one of them goes back to November, so we're not talking about something that just happened.

Member Wild asked Mr. Jones what his intentions were for the vehicles.

Mr. Jones said to sell the truck and permit the Jeep.

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Member Wild asked if the Jeep is operable.

Mr. Jones said yes.

Member Wild suggested selling the vehicles to a junkyard for scrap and let them pick it up.

Staff and the board suggested the best way to begin the project. They told him which parts of the violations that were most pressing.

The board suggested that Mr. Jones work with Michael.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018084-JONES JAMES C

Served

Complaint No. 20171026020

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

Property Location: 678 Orange Camp Rd, Deland 32724

Parcel No. 702801300010 Zoning: R-3

Zoning Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018087-JONES JAMES C

Served

Complaint No. 20171026017

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: 678 Orange Camp Rd, Deland 32724

Parcel No. 702801300010

Zoning: R-3

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Feb 20, 2018

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Section 58-36.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018114-AMIS RUSSELL & DEBORAH

Served

Complaint No. 20171115006

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

Property Location: 1941 Henderson Rd, Ormond Beach 32174

Parcel No. 412401000370

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On June 27, 2018, a re-roof permit was issued and is valid until December 24, 2018. She said Mr. Amis has made some progress in the yard. Staff is recommending an amended order until the January 16, 2019 hearing for both cases.

July 18, 2018

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Section 58-36.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018115-AMIS RUSSELL & DEBORAH

Served

Complaint No. 20171115005

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

Property Location: 1941 Henderson Rd, Ormond Beach 32174

Parcel No. 412401000370

Zoning: MH-4A

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

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

CEB2018121- GARCIA IRENE

Served

Complaint No. 20170113005

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (detached carport/open wood structure, mobile home attachments)

Property Location: 301 Lake Mamie Rd, Deland 32724

Parcel No. 603817040250

Zoning: MH-5

Code Administration Manager – Chris Hutchison

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

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

Hearing to Impose Fine/Lien

July 18, 2018

The respondent was present for the hearing.

Chris Hutchison, Code Administration Manager, presented the case. Chris said that he went out to the property on July 10, 2018 and there has been improvement. Staff is recommending a first amended order of non-compliance, with a hearing to impose fine scheduled for September 5, 2018 hearing.

Alejandra Martinez, the respondent's daughter- law, gave her name and address for the record. She gave testimony on behalf of her mother-law. She said that they've already cleaned up the property and that they've taken the poles. Mrs. Martinez said that they're just waiting for Ms. Garcia to come back from Mexico, to pull the permit to build the garage. She said right now, they are working on updating the survey.

The Chairman asked if the property is in compliance.

Chris said that they property is not in compliance because they need to pull a permit for a porch that was added on.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018126-MCCRANEY BARBARA

Served

Complaint No. 20140529005

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

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

Parcel No. 623502010100

Zoning: RC,RR

Code Administration Manager – Chris Hutchison

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Chris Hutchison, Code Administration Manager, presented the case. Chris said that we were going to ask for a \$50.00 a day fine, but the permits had been extended until yesterday. The property owner called Meghan Lindsey, Code Enforcement Board Clerk, last week and said that she had cancelled her final inspection, because she had a family
July 18, 2018

emergency. She said her doctor told her that she couldn't be overtaxed, with having an inspection done. Chris said that he doesn't know if we want to go with an amended order, this case has been going on for a while and there have been other family emergencies that have caused Ms. McCraney to cancel inspections.

Chris explained the posting in the pictures to the board. He said that they did turn in the electrical affidavit that the board requested at the May 16, 2018 code enforcement board hearing.

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, with a cap of \$23,900.00; to begin on August 16, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018127-MCCRANEY BARBARA

Served

Complaint No. 20141202030

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

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

Parcel No. 623502010100

Zoning: RC,RR

Code Administration Manager – Chris Hutchison

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Chris Hutchison, Code Administration Manager, presented the case.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, with a cap of \$23,900.00; to begin on August 16, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018128-KIRK PHYLLIS J

Served

Complaint No. 20161114051

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Structural & roofing, wood structure attached overhang in-process)

Property Location: 917 Shady Park Ter, Daytona Beach 32117

Parcel No. 520201000440

Zoning: R-4

Zoning Compliance Officer – Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. A permit application was submitted and is now in plan review. A request for additional information was sent on May 31, 2018, asking for an engineer affidavit. The permit application is valid until November 27, 2018. Staff is recommending a first amended order of non-compliance, with a hearing to impose fine scheduled for December 19, 2018.

Ms. Kirk explained what she was waiting on from the architect.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the December 19, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018163- CHIOFALO JACOB D & SHANNON N

Served

Complaint No. 20171107016

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

Property Location: 3928 Oriole Av, Port Orange 32127

Parcel No. 631203001885

Zoning: R-9(S)

Code Administration Manager – Chris Hutchison

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

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

Hearing to Impose Fine/Lien

July 18, 2018

The respondent was not present for the hearing.

Chris Hutchison, Code Administration Manager, presented the case. A permit has been issued and is valid until September 1, 2018. Staff is requesting a first amended order of non-compliance, with a hearing to impose fine scheduled for December 19, 2018.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the December 19, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018174-POTTER JANICE Q & BRIAN C

Served

Complaint No. 20171117018

Violation of FLORIDA BUILDING CODE SECTIONS 105.1 AND 109.3. ALL CONSTRUCTION REQUIRES BUILDING PERMIT (S) AND INSPECTION APPROVAL(S).

The aforementioned violation would require a building permit and/or inspection approvals

Property Location: 679 Yale Rd, Deland 32724

Parcel No. 702801240170

Zoning: R-3

Zoning Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Staff is recommending an order imposing fine/lien, with a fine of \$50.00 per day, to commence on August 15, 2018; not to exceed \$18,000.00. There are no permits on record, for this property; at this time.

Brian Potter gave his name and address for the record. He said that they've made progress on the property; there are plans for the shed. Mr. Potter said that the last time that they appeared before the board, an electrical affidavit was requested. He said that it took a little time, but an electrician did come out and inspect the work. He said that everything is fine there and he applied for a permit. He said that he has an affidavit from a plumbing company.

Mr. Potter explained that he planned on going to the engineer, to pick up the plans for the gazebo. He said progress is being made, but his hands are also tied.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an First** July 18, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Ms. Neely has been and did speak with Maria Rosado, who is a permit tech. They were getting information on the permit and Maria had explained the architectural drawings that would be needed. Margaret said that this has been going on since 2014. Staff is recommending an order imposing fine/lien, in the amount of \$50.00 per day, to commence on August 16, 2018; not to exceed \$24,000.00.

After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, with a cap of \$24,000.00; to begin on August 16, 2018.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018205-WARWICK ARLINE

Posted

Complaint No. 20180405018

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Including, but not limited to, shed, block wall, plumbing, electrical)

Property Location: 4211 S Peninsula Dr, Port Orange 32127

Parcel No. 631204004250

Zoning: R-3(S)

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Ms. Warwick did get a plumbing permit and it was finalized. She has applied for an electrical permit, which is now ready-issue. The permit is valid until January 9, 2019, so staff is recommending a first amended order of non-compliance, with a hearing to impose fine scheduled for January 16, 2019. Margaret explained that the property is still vacant and she said that she doesn't see any life/safety issues with it.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

July 18, 2018

CEB2018206- WARWICK ARLINE

Posted

Complaint No. 20180405020

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

Property Location: 4211 S Peninsula Dr, Port Orange 32127

Parcel No. 631204004250

Zoning: R-3(S)

Zoning Compliance Officer - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 16, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

X. Hearings and Presentation of Filed Notices of Violations

CEB2018261-LUCKY TWO INC

Served

****REPEAT VIOLATION****

Complaint No. 20180508077

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III DIVISION 12 SECTION 72-924 Description:

Property Location: 790 S Atlantic Av, Ormond Beach 32176

Parcel No. 422401040120

Zoning: 999

Sea Turtle Lighting Inspector - Christina Phillips

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

THIS CASE WAS CONTINUED.

July 18, 2018

CEB2017396-ZIEGLER MARY L

Posted

Complaint No. 20171020012

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (3 Expired permits Electrical permit #1999413001, Pool permit #19990507033, and Mechanical permit #2015051100)

Property Location: 1 Sunset Blvd, Ormond Beach 32176

Parcel No. 322705000220 Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On October 20, 2017, staff received a complaint about a pool fence being down; it was only a panel and they put it back up. While conducting research, Margaret discovered that there were 3 expired permits for the property. She explained what each permit was for and when they expired.

She explained that the mechanical permit was finalized about 12 minutes ago, after the permit was reopened. She said that she's received several calls from Mr. Murphy and a Power of Attorney, from him. He is acting on her behalf, as she is out of state. Mr. Murphy said that when she bought the house back in 2001, that she had no idea about the expired permits. Margaret said that the pool is secure. Since Mr. Murphy is trying to care of the expired permits, staff is recommending a finding of non-compliance with a compliance date of, September 27, 2018 and a hearing to impose fine scheduled for October 3, 2018.

Kenneth Murphy provided information on behalf of the respondent. Mr. Murphy explained that he tried to get the permits re-opened himself, but he couldn't. He explained the P.O.A and that he believed that they just needed the permits to be re-opened and final inspections.

Member Needham asked if the Power of Attorney was okay for the county.

Board Attorney, Charles Cino, said that it is.

Margaret explained what still needed to be done on the property. She explained what needed to be done with the pool pump and drain.

Mr. Nelson, explained that the building code for the pool has changed and what they would need to do.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of September 29, 2018 and a Hearing to**

July 18, 2018

Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018195-HENDERSON LINDA

Posted

Complaint No. 20180327056

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: 1215 Deneece Ter, Daytona Beach 32117

Parcel No. 523705000570

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. On October 19, 2017, staff received a complaint about junk, debris and untagged vehicles. The violation was confirmed on October 25, 2017. Further research showed that there were accessory structures built on the property without required permits and inspection approvals. Certified notices of violation were received and signed for by Ms. Henderson. The notices of hearing were posted on the property, as they were returned, unclaimed.

On March 27th, an inspection showed that there was a new fence without permit. Margaret explained that it was a 6ft fence. She said that she referred this violation to code board, as the others were already scheduled to go. The cases were continued to address this and the property was posted.

On April 10th, Margaret received a call from Ms. Henderson who requested more time to start the permitting process. The cases were continued to the July 18, 2018 hearing; the property was also posted with the continuances. There is a permit for the fence, but it is in zoning review because it is 6ft when it should only be four, due to its position on the property. There has been no response to date, and the application is valid until December 15, 2018.

Margaret said right now, the only thing that she can see that is being addressed is the fence; other than that, the site and conditions remain unchanged. Staff recommends an order of non-compliance, with a compliance date of August 26, 2018 and a hearing to impose fine/lien scheduled for September 5, 2018. This will include the fence, as it is an after the fact permit; the site plan should be addressed by then. If not, then the fence should be lowered to four feet.

The Chairman asked that Margaret explain her pictures of the fence, versus the aerials that July 18, 2018

were provided. Margaret explained which part of the fence that was okay, and then she explained why the other part was non-compliant. She said that regardless, the fence needs a permit.

Member Wild asked which structures are unpermitted.

Margaret explained which of the structures needed permits.

Ms. Henderson indicated that one of the unpermitted structures was the well house; she said that when she bought the house it was there. She explained that the previous owner, must not have had it permitted. She explained that she was under the impression that you could put your fence back up if the storm knocked it down, without permits. She said that she put the fence back up, just the way that it was before.

The Chairman asked if she applied for a permit for the fence.

Ms. Henderson said that she did. She said they put it back the way that it had always been, but because she lives on a corner lot she has two front yards. The fence is too high in the area that's considered to be her second front yard.

The Chairman asked how long the fence had been down.

Ms. Henderson said that she didn't know, as she had a massive heart attack and was sick for many months. She said that she wasn't home, as her daughter had to take care of her.

Mr. Nelson explained that if a fence falls down, it can be put back up the way that it had been. If the fence is taken out and a new one is installed, that's a new installation and there has to be a permit. He said that is what Ms. Henderson is facing.

The Chairman asked if there had been progress with the junkyard.

Ms. Henderson provided Margaret with pictures of her property.

Margaret said that according to the pictures, provided by Ms. Henderson, there seems to be progress.

The Chairman asked if some of the structures were from the 1980's.

Ms. Henderson said that she's trying to do the repairs to the property, but that the roof would cost \$11,000.00 to replace. She said that the cars are tagged and there is no junk in the backyard.

July 18, 2018

The respondent gave her name and address for the record. Ms. Henderson said that she wasn't sure if she wanted to provide information, or contest the violation, as she was not really sure what the violations were for. She explained that she had a massive heart attack.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of August 26, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the September 5, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 9 Section 72-341 (b).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017398-HENDERSON LINDA

Posted

Complaint No. 20171025023

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted
Property Location: 1215 Deneece Ter, Daytona Beach 32117

Parcel No. 523705000570

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance with a compliance date of August 26, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the September 5, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017399-HENDERSON LINDA

Posted

Complaint No. 20171025024

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: 1215 Deneece Ter, Daytona Beach 32117

Parcel No. 523705000570

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

July 18, 2018

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of August 26, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the September 5, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017400-HENDERSON LINDA

Posted

Complaint No. 20171204028

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

Property Location: 1215 Deneece Ter, Daytona Beach 32117

Parcel No. 523705000570

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of August 26, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the September 5, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018048-BRAUNSTEIN JORDAN & NGUYEN ELAINE

Served

Complaint No. 20180110030

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

Property Location: 122 Ocean Grove Dr, Ormond Beach 32176

Parcel No. 322104000330

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

July 18, 2018

The respondent was present for the hearing. He gave his name and address for the record. Mr. Braunstein contested the violation. He said from what I understand, we are currently compliant and we've been communicating with Ms. Godfrey. He said we are compliant, we just want to contest that we did respond within the compliance period. He said that he works for the Department of Veteran's Affairs and that he took time off today, to be here because he is a citizen of Volusia County. He said that he wants to work through this and get everything fixed.

Margaret Godfrey, Compliance Officer, presented the case. On January 10, 2018, staff received a complaint about this property being advertised for short term rental; it was on Craigslist, Airbnb and BRBO. Research confirmed the violation.

On January 12, 2018, Chris Hutchison, Code Administration Manager, received a call from Debbie Somerford, from the County Manager's office and a citizen was transferred to him concerning the property. She said that it was like living next to a hotel because people are there from 3 days to a week. Margaret said that she believes she is here.

January 16, 2018, the certified notice of violation was received and signed for by Ms. Nguyen. Staff has received anonymous voicemails that the property is still being treated like a hotel. As of January 26th, which is technically the end of the correction period, there were still complaints. Margaret researched the property and saw that it was being advertised for 1-6 night stay. The Craigslist advertisement had been taken down, at that point, but the other two were still active.

On February 8th, the notice of hearing was received. She said that she's continued the case twice, as she believed he lives in Colorado, so that he could be present.

Mr. Braunstein said no.

On May 7th, the BRBO said they were accepting monthly rentals but if you wanted to book for less, contact them. She directed the board to look at pictures of the advertisements from April. She said that she had been communicating with Mr. Braunstein. Margaret explained that the neighbors had been present at the May hearing, and that Mr. Braunstein said that he wanted their names and all their information. She explained that she really didn't have any.

Margaret said that in one e-mail, Mr. Braunstein mentioned that he was in compliance during the correction period, according to the websites that she had brought to his attention. She said that the only thing that was down at that point, was the Craigslist advertisement. She said that she had to continue to do research due to the anonymous complaints that were coming in and the call from the County Manager's office. Margaret showed screenshots of the advertisements with dates, which showed that the property was not in compliance during the correction period. She said one was updated on April 9, 2018.

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She said that the advertisements are down and she has not received another complaint since. She said however there are witnesses here that would like to testify. Staff is recommending an order of non-compliance and order of dismissal; as the property is now in compliance but it was not a short time ago.

The Chairman asked Margaret, what date she would say the property was in compliance.

She said probably sometime in May; she said after that, I noticed that the advertising was coming down. She said that she had stopped getting complaints at that point.

The Chairman asked Margaret, if the respondent let her know that the property was in compliance or if she found out herself.

Margaret said she found out through research.

Mr. Braunstein said that all of this, is based on a third-party website that I don't control. He said he does not control the content; this is not my website, he explained. He said that he has worked very hard with the people that control these websites, to try to make the wording meet Ms. Godfrey's desires. He said I thought we were in the compliance period. He said I had changed the wording, because I did reach out to their technical support teams; to change it within the compliance period.

He said that he sent a ton of e-mails to Ms. Godfrey, not all of them were responded to; so we didn't know exactly which websites needed to be changed. He said we've worked very diligently; I sent many e-mails to Ms. Godfrey, which she can attest to; I gave her constant updates, on how I was trying to get these websites changed. He said that he thought that they had changed everything on those sites, within the compliance period; only to find out that there was some wording on a few that she still thought was wrong. He said by and large, here we are contesting third-party websites that neither one of us control. He said who are we to judge, based on a third-party website.

He said that he'd love to sit down with the county and find out what is the proper wording for websites. He said I can put on some website that the sky is purple; would I be non-compliant because of that. No.

Mr. Braunstein said that the screenshots in Margaret's presentations, do not have dates on them. He said that those are hand-written dates that were created by Ms. Godfrey. He said they're not actual dates.

Margaret said they're right on there.

The Chairman said that she is providing testimony, that they are from that date that she says they are.

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Margaret said it says updated on April 9th.

Mr. Braunstein said the one at the bottom is written in.

The Chairman asked how the property is being run today.

Mr. Braunstein said that it's his home. He says his kids live in it and that they are citizens of Volusia County. He said we have some neighbors here today, that we've never even met before, so here's our sense of community. We get to meet our neighbors for the first time today; who are testifying against us, because they chose not to talk to us in person, but chose to attack us today.

Charles Cino, Board Attorney, said the issue that's in front of us right now is, you say you're in compliance.

Mr. Braunstein said yes I am.

Mr. Cino said she's asking the board to issue an order of non-compliance and dismiss the case. He said what you're doing now, by bringing all the neighbors into it, is making things worse.

Mr. Braunstein said there here to go against me.

Mr. Cino said I understand that but that's what we're doing here. He said do you agree with us or disagree with us?

Mr. Braunstein said the only thing I disagree with, is that I didn't respond within the compliance period. He said that he felt he was communicating very heavily and trying to work through this. He said that he appreciates Ms. Godfrey dismissing it.

Member Wild asked if this was a new case because usually when you have a compliance date that means we've heard it before.

Margaret said this is a new case. She said advertising is an intent, not technically the violation. She said that on top of the advertising, I was receiving several complaints. She said that's what made me keep on looking, she said advertising again is just an intent.

Member Wild said the compliance date that he's talking about, is the one that you issue.

She said it would have been January 26th, however the neighbors have proof that it was rented in March and April.

Mr. Braunstein said they don't.

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Member Wild said to Margaret but you've given testimony that to your knowledge, it is now in compliance.

Margaret said yes.

Member Wild said that we can take that testimony, we can end the whole case by saying there in non-compliance and then dismiss.

Margaret said as now it is in compliance.

Mr. Braunstein said I never thought I was non-compliant; that's the problem.

Member Wild said you were in non-compliance because you were renting it, at one point in time.

Mr. Braunstein said no I wasn't. He said not short time; long term.

Member Needham explained the order of non-compliance & order of dismissal. He explained what would happen if Mr. Braunstein was found a repeat violator. He said if it goes away and you don't do anything, then it's academic.

Member Wild asked if they needed to take a lot of witness testimony.

Russ Brown, Assistant County Attorney, said that he would recommend that they do, because at this point all you have is advertisements from BRBO. Mr. Braunstein is saying that he was in compliance. Mr. Brown said there is an inference that you were not in compliance originally, but you did get into compliance within the grace period.

Mr. Braunstein said that his interpretation is that, I was deemed non-compliant because of the websites which he tried to fix very diligently. So if there was additional reasons, and that's what Ms. Godfrey had communicated to me, she said just fix the websites and then you're good. He said that he has e-mails to support that.

Mr. Brown said, so the website is just an indicia that you are not in compliance; it's just a factor. The actual act of renting for less than 30 days, is what gets the violation. He said I think at this point, you're contesting the violation. At this point it would be beneficial, to hear witnesses to substantiate that claim.

The Chairman asked Mr. Braunstein if he had any rental leases.

Mr. Braunstein said no because he wasn't renting it. He asked why he would have a lease if it was just friends and family staying at the house.

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The Chairman said so when you weren't living in your house, you were letting friends and family stay in it.

Mr. Braunstein said yes; friends, family and veterans would use it. He said it's his home.

The Chairman said that he was just trying to understand, how the property was being used, during the time that people were frustrated with it.

Member Wild asked are these ads for family and friends?

Mr. Braunstein said yeah, well I'm sorry, we do rent for over 30 days.

Member Zahn said so you would move out and they would move in, if it's over 30 days; because you live there.

Mr. Braunstein said he travels all over the country for Veterans Affairs, so if he's not using the house he lets others use it.

Member Zahn said so you had previous testimony that you live there, your kids live there and that's your house but then this testimony is, not all the time; sometimes you're not in the house, when you're travelling and when you're out of the house then it's obviously available, for whatever its available for.

Mr. Braunstein said that's accurate.

Member Zahn reiterated Mr. Braunstein's claim that he did everything in his power to bring the property into compliance, during the correction period. The county's position is, no disagreement that you tried, but your testimony is that its third party and you couldn't control the third party and so the evidence indicated that it hadn't been corrected within that time frame. So it's not issue of whether or not the violation occurred, its relative to coming into compliance within a certain period of time after your notice. That's your position, is that correct?

Mr. Braunstein said yeah, but I did communicate very often, within that correction period.

Member Zahn said that he believed him.

Member Zahn asked Mr. Braunstein when he's traveling, where the wife and kids are?

Mr. Braunstein said they're with me, because I go to different V.A centers and I may be there a couple months.

Member Wild said so when you're travelling, the house is empty.

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Mr. Braunstein said yes. He said that our senators in Tallahassee do the same thing.

Karen Pillar gave her name and address for the record. She provided testimony as a witness. She said that she lives directly next door to the property. Ms. Pillar said that she kept track of the comings and goings of the house next door. She provided the board with a list of dates.

Member Wild asked what the range of dates were.

Ms. Pillar said January through May of this year.

Member Wild asked if there were any dates from before January.

Ms. Pillar said no. She said she actually helped furnish his house by bringing packages in during that time, because she was under the understanding that it was going to be their vacation home, because they live in Colorado. She said their children go to school in Colorado, or at least they did last year.

Mr. Braunstein said no we don't.

The Chairman told Mr. Braunstein that he will have a chance to respond and that the board listened to him, now it's the neighbor's turn.

Ms. Pillar said that she had photographs of the different cars that were there. She said that she has copies of the reviews that the clients left, from AirBnB. She said they left lovely reviews for Jordan's property. Ms. Pillar said that she didn't believe that you're allowed to leave a review on AirBnB, if you did not stay at the property. She said that she also had a Rental by Owners of Florida listing. She said she pulled it up just a few days ago and requested to rent from August 1st to August 4th. She said that she received a three night's total guest rental price and it gave the option to go ahead and book now. She said that she could have booked, if she wanted to.

The Chairman said did you have the opportunity to book for less than 30 days.

Ms. Pillar said yes, for three days. She said that she also wanted to submit a threatening letter from Mr. Braunstein's attorney, telling her that she needed to withdraw their complaints immediately. She said that the letter states, that one of the things that the attorney would litigate against, is tortuous interference with a business relationship. She said so I think right there, he is admitting that he's running a business. She said that Mr. Braunstein has told his tenants not to speak to her, which she said she doesn't take too seriously, because she stands on the public sidewalk. She said if they're out there she welcomes them to the neighborhood and they talk to her anyway. Ms. Pillar says she explains why Mr. Braunstein has told them not to speak with her, because it is in violation
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of our zoning codes.

Member Wild asked Ms. Pillar if she had seen any activity since May.

She said that she was in Miami for most of June.

Member Wild asked about July.

She said that Mr. Braunstein has been at the house. She said that he has told people that he's leaving on Friday. That's the only time he's been there, is when he's on vacation she said. Ms. Pillar stated that the rest of the time it's been rented short term, except for one long term rental.

Ms. Pillar read a statement that she prepared into the record.

Member Needham asked if it was her statement.

Ms. Pillar said it was.

Mr. Brown asked Ms. Pillar if any of the people that she spoke with, mentioned paying money to stay in the house.

She said that they said, it's an AirBnB. She said that they said, no one told them it was an illegal rental. Ms. Pillar explained that they don't have a problem with the renters, we have a problem with the house being not zoned for rentals. She also said that there's the reviews that these people left on AirBnB.

Mr. Braunstein said that he's being stalked. He said that he did not tell her that he's leaving on Friday. He said Ms. Pillar follows his kids to the beach and they can't sleep at night.

Member Wild said that is off topic and as far as our case in concerned, it doesn't matter. He said you're only going to damage yourself if you continue on, the motion that was being prepared was one that was going to get you out of this without a problem; unless you do it in the future. Now, if you have no intention of doing it in the future, the mechanism that we have come up with gets you out of that problem. It would close the door on it.

Allen Pillar gave his name and address for the record. He provided testimony as a witness. He said that we live on a close knit street. He said everything was fine. He said that they bought the property in November of 2017 and were there for Christmas. He said it was right after they left in January when the rentals began. He said this is the first time that he's been back since then. He said that Mr. Braunstein's vehicle is registered in Colorado. Mr. Pillar said it has Colorado plates on it and he has a residence in Colorado. Mr. Pillar said I don't know how he says that he lives here; he owns the house yes, but he doesn't spend
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time here.

Mr. Pillar said just one point about the rentals, the drunken frat kids that was one thing; the biker week, that was bad. He said that was the first time that I felt unsafe in his own house, because the person he rented the house to was not nice.

Another neighbor gave his name and address for the record. He did not speak into the microphone so his name was not properly recorded, he did however provide his address. He said that he lives on the other side of Mr. Braunstein's house. He said that he wanted to corroborate Ms. Pillar's statement that the house is being used as a short term rental. He said that he was there from February to June and there were many people that were in and out of the house. He said there is a cleaning service that comes in after each rental.

The Chairman asked if it was less than 30 days.

He said less than 30 days, except for one person.

Member Needham asked if he had any evidence that Mr. Braunstein was compensated for their occupancy.

He said one person that he talked to, told him that they booked the place through AirBnB. After talking to Mr. Braunstein he told the renter to call back AirBnB and tell them and book directly to him, as Mr. Braunstein would charge less money. The neighbor said that he never saw any money change hands.

Mr. Braunstein said that people stay at their house. We're not disputing that. He said we do not accept money for them; we do pay for cleanings to allow them to come in. He said I'd love to close the door on this, I just hope the stalking ends. He said you guys created this anonymous hotline and now we're being stalked.

Margaret went onto the property appraiser's website and read Mr. Braunstein's mailing address into the record.

The Chairman asked if it was homesteaded.

Mr. Braunstein said no and that he pays extra taxes on it. He said that he owns multiple properties. He said that he stays in this one and that he has been there for the past six weeks.

Member Needham explained the activity that has allegedly occurred on the property. He explained the consequences if that activity were to occur again.

Mr. Braunstein expressed concern that he would be back before the board again, if a family member stayed on the property. He said that Ms. Pillar will call the anonymous line
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again.

The board gave suggestions as to how to remedy any future problems.

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

CEB2018170- MAIHLE RONALD KURT & 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

Zoning Compliance Officer - Margaret Godfrey

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

The respondent was present for the hearing. The respondent gave his name and address for the record.

Margaret Godfrey, Compliance Officer, presented the case. On February 9, 2018, staff received a complaint about structures on a vacant property. There was a house at one point, but it burned and was demolished. The certified notice of violation was received and signed for by Mr. Maihle. Margaret posted the notice of hearing on site.

Margaret has spoken to Mr. Maihle, who wanted to know what to do with the stuff on the property, as he has no place to put it. She told him that he'd have to find a way to move it off the property. He also has to get a fence permit, as there is a 6ft unpermitted fence all the way around the property. On June 28th, Margaret conducted another onsite inspection to confirm that the site and conditions remain unchanged. Staff recommends a finding of non-compliance, with a compliance date of September 26, 2018 and a hearing to impose fine scheduled for October 3, 2018.

The Chairman said I know we're in residential zoning, but are there houses across the street.

Margaret said yes.

Mr. Maihle says that he got a permit to put an electric pole in. He said that was done and it was permitted. He said that he planned on submitting the paperwork for the fence permit today. He said that he's working on plans for a single family residence. He said that it takes July 18, 2018

a while and his wife has been in and out of the hospital, for the last three months. She averages about five days each time. He said all he really needs is time. Mr. Maihle explained what had been moved off the property.

Mr. Maihle said that he should have the things there to build the house, when the plans are complete.

The Chairman asked what structure is the subject of the violation.

Margaret said it's the accessory use. She explained the violation to the board. She said that none of the stuff is tagged and if he put a single-family residence on there tomorrow, it becomes a zoning nightmare. She explained how the violation would then change into a different violation.

The Chairman said so it's basically using the vacant residential lot.

Margaret said yes, he's using it for storage.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 26, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018171- MAIHLE RONALDS KURT & THERESA

Posted

Complaint No. 20180213057

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

Property Location: 1718 Evergreen St, Ormond Beach 32174

Parcel No. 424235020061

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

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

The respondent was present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 26, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-277**

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(C). After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018198-US BANK TRUST NA TR

Served

Complaint No. 20170727021

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

Property Location: 2360 N Kepler Rd, Deland 32724

Parcel No. 603507000410

Zoning: R-4A

Zoning Compliance Officer – Christopher Hooper

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

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. This case is for plumbing, electrical and mechanical work done without permits. The certified notice of violation was signed for on August 19, 2017. A gentleman with Ameritrust Residential Services, called and asked what needed to be done to remedy the violation. He said they were going to take care of it and there were some permits applied for; in August and September of 2017.

In November of 2017, the permit application for the water heater change-out was cancelled by the contractor. A voicemail was left, inquiring about it but there was no response. The mechanical and electrical permits both expired. On March 29th, the owner of record changed, so a new notice of violation was sent out; along with a notice of hearing. Those were both signed for on April 5, 2018. There has been no further contact with anyone regarding this property. The permits remain expired. Staff recommends a finding of non-compliance, with a compliance date of August 31, 2018 and a hearing to impose fine scheduled for September 5, 2018.

Member Smith asked if it's an unoccupied structure.

Christopher said that he believed it is vacant.

Based on the evidence and testimony provided, Member Smith **MOVED to issue an Order of Non-Compliance with a compliance date of August 31, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the September 5, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. The board further ordered that the property remain unoccupied, due to the electrical issues.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2018214-ECHAVARRIA ARGIRO

Served

Complaint No. 20180308007

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

Property Location: 1306 Crestview Av, Daytona Beach 32117

Parcel No. 520201000840

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

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

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. This case began on March 5, 2018, with a complaint about a shed built without permits. An onsite inspection, confirmed the violation. Her research showed that it's not on the tax roll. On March 10th the certified notice of violation was received. On June 4th the certified notice of hearing was received. There has been no contact with the property owner and there are no permit applications to date. The site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of, September 26, 2018 and a hearing to impose fine scheduled for October 3, 2018.

Margaret showed the board where the shed is, on the property.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 26, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018216-MURRAY KEVIN A

Posted

Complaint No. 20180215009

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. (enclosed trailer)

Property Location: 1812 Sunny Palm Dr, Ormond Beach 32174

Parcel No. 422804000730

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

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

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Margaret said I do want to say, July 18, 2018

and this is my fault, that the trailer that is sitting there does have a current tag; even though it's not stickered. She said that she did look it up and even though it's not on there, it is good until December. She said that she will withdraw that one for now.

Member Zahn said does that mean that they just didn't stick the sticker on it?

Margaret said it belongs to the guy across the street, I could ask him. She said that I'll withdraw the utility trailer without the tag. She said that the shed was taken down by a tree. She said that the property has been vacant for years. She said that the motorcycle in the picture was not there the first time that she went to the property. She said that the temporary tag expired in 2004.

Margaret said that she has had conversations with Mr. Murray and he has received his mail. She said that he lives in Canada and she has had to post it once. She said the mail has to go registered and takes a little while sometimes. She said that he is the only one that can pick it up and he's a trucker. He said that his son tried to pick one up and was not able to. The site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of September 26, 2018 and a hearing to impose fine be scheduled for October 3, 2018.

Margaret explained that Mr. Murray hasn't been to the property in 20 years.

The Chairman asked then who would take care of it.

Margaret said no one, it's vacant.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of September 26, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (B).** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018217-MURRAY KEVIN A

Posted

Complaint No. 20171204032

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

Property Location: 1812 Sunny Palm Dr, Ormond Beach 32174

Parcel No. 422804000730

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

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

July 18, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of September 26, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018218-MURRAY KEVIN A

Posted

Complaint No. 20180411006

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: 1812 Sunny Palm Dr, Ormond Beach 32174

Parcel No. 422804000730

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

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

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of September 26, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018234-DILLER JOHN STANLEY

Posted

Complaint No. 20180307014

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: 955 Massachusetts Av, Cassadaga 32744

Parcel No. 810502040070

Zoning: R-4

Zoning Compliance Officer - Michael Mazzola

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

July 18, 2018

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Michael explained his pictures to the board. On March 7, 2018 Michael did an inspection on the property and posted the notice of violation. He said that he spoke to Mr. Diller about getting a roof permit. On May 4, 2018 he posted the notice of hearing on the property. Staff recommends a finding of non-compliance, with a compliance date of August 1, 2018 and a hearing to impose fine scheduled for August 15, 2018.

The Chairman asked if the property is occupied.

Michael said it is, by Mr. Diller.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of August 20, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the September 5, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018237-HOYLE JOSEPH ALLEN & TAMMY L

Posted

Complaint No. 20180123010

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: 325 Niagara Av, Orange City 32763

Parcel No. 801001160020 Zoning: R-4

Zoning Compliance Officer - Michael Mazzola

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

THIS CASE WAS CONTINUED

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CEB2018225- BEAHM KURT & LYDIA MARIA

Served

Complaint No. 20171204012

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

Property Location: 1655 Chestnut Av, Orange City 32763

Parcel No. 801600000016 Zoning: A-2

Zoning Compliance Officer - Michael Mazzola

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

THIS CASE WAS CONTINUED

CEB2018238- BEAHM KURT & LYDIA

Served

Complaint No. 20180510008

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: 1655 Chestnut Av, Orange City 32763

Parcel No. 801600000016 Zoning: A-2

Zoning Compliance Officer - Michael Mazzola

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

THIS CASE WAS WITHDRAWN

CEB2018239- BEAHM KURT & LYDIA

Served

Complaint No. 20180510010

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

Property Location: 1655 Chestnut Av, Orange City 32763

Parcel No. 801600000016 Zoning: A-2

Zoning Compliance Officer - Michael Mazzola

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

THIS CASE WAS CONTINUED

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CEB2018240- BEAHM KURT & LYDIA

Served

Complaint No. 20180510016

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: 1655 Chestnut Av, Orange City 32763

Parcel No. 80160000016

Zoning: A-2

Zoning Compliance Officer - Michael Mazzola

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

THIS CASE WAS WITHDRAWN

CEB2018259-LOPINTO WALTER & ELIZABETH ANN

Posted

Complaint No. 20180417032

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: 750 S Woodward Av, Deland 32720

Parcel No. 701800001060

Zoning: R-3

Zoning Compliance Officer - Michael Mazzola

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

The respondent was present for the hearing. The respondent gave his name and address for the record.

Michael Mazzola, Compliance Officer, presented the case. On April 4, 2018, Michael inspected the roof and saw missing shingles and holes in the roof. On April 23, 2018, the notice of violation was received. On June 26, 2018, Michael posted the notice of hearing, as it was returned undeliverable.

Michael went over the pictures in his presentation with the board. Staff is recommending a finding of non-compliance, with a compliance date of August 1, 2018 and a hearing to impose fine scheduled for August 15, 2018.

Member Wild asked if all the damage is under the blue tarp.

Michael said most of it is.

Mr. Lopinto said that the roof damage has been there since the last major storm. He said that a branch from the live oak in the back fell off. He said that they've been in the house for 20 years and the back of the roof was replaced by the previous owners. He said that

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there's a dip in the roof because there was a chimney there that was taken out. He said it was built in 1959 and there are four leaks. The ceilings in the house, now have to be replaced. He said that he lives all over the place, because he's separated from his wife. He said that his wife still lives in the house.

Mr. Lopinto asked what he needed to be done. He asked if he could just re-tar the roof.

Mr. Nelson said that it would have to be a code compliant roof.

Mr. Lopinto said that he can't afford to put a new roof on the house. He said that they're foreclosing on it anyway. He asked what to do.

Mr. Cino asked if the property was in foreclosure now. He asked if there was foreclosure paperwork. The respondent gave Mr. Cino a motion to default.

Mr. Cino and Mr. Brown decided to extend the time on the case, due to the foreclosure.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of December 1, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the December 19, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018265-PALMIERI LEONA M

Served

Complaint No. 20171109001

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

Property Location: 2450 Gaylord Dr, Deland 32724

Parcel No. 60260000027

Zoning: A-3A

Building Compliance Officer - Beverly J Abrahamson

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

THIS CASE WAS WITHDRAWN

July 18, 2018

CEB2018284-KOWALCZYK SABINA

Posted

Complaint No. 20180611002

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: 135 Longwood Dr, Ormond Beach 32176

Parcel No. 420303001130

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on June 11, 2018

THIS CASE WAS CONTINUED

IX. Requests for Discussion of Fines

CEB2001078- NOWICKI MACIEJ EDWARD

Served

Complaint No. 000810145

Violation of VOLUSIA COUNTY CODE OF ORDINANCES 80-8, as amended, Article VII, Section RR, for an aviary where not permitted at 1750 Old Titusville Road in Deltona.

(Zoning Compliance – Phil Solano)

*The Code Enforcement Board continued this case from the June 6, 2001 hearing:

* Order of Non- Compliance/ Order Imposing Fine/Lien issued at the June 20, 2001 hearing:

* Petition to Enforce Lien Filed May 20, 2002;

* Property Foreclosed by Volusia County on January 8, 2003;

* Order of Compliance was issued at the February 5, 2003 hearing;

Request to discuss reduction of fine/lien amount of \$5, 033.39

The Chairman asked which member of staff would be taking the lead on this case.

Russ Brown, Assistant County Attorney, said that he didn't know if anyone on staff was going to take the lead, at this point we'll turn it over to Mr. Ford, to present on the behalf of his client; his request for the reduction of the two liens, as well as the county releasing what's left of a final summary judgement. I'll let Mr. Ford explain.

The respondent was present for the hearing. Alex Ford the respondent's attorney spoke on his client's behalf. He gave his name and address for the record. Mr. Ford addressed the public and said that this case is one to pay attention to, as it shows what can happen if you don't go through the process and do everything that you should. He said that it's been a very rough situation for my client.

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Mr. Ford said that the reason that we're here is to ask for two code enforcement liens, to be released; a judgment that was entered on behalf of Volusia County. In both cases, Mr. Nowicki was found guilty in both violations. Orders imposing fines were entered; the county sued, to enforce those fines. There was ultimately a judgment of \$262,567.50 against Mr. Nowicki. According to the County Attorney's Office, there is still \$107,000.00, roughly outstanding on the judgment, plus interest. There's still \$5,053.39 due on one of the liens and \$12,300.00 on the other lien; so roughly, \$125,000.00.

The County Attorney's Office has determined that this board has the authority, to not only deal with the liens, but also with the underlying judgement. So we're here to ask you to release those. Mr. Ford remarked that some of the board members, were on the board when this case happened. He said you may have an advantage on me, because I just have a stale record to look at. He said that he's had to go back and look at records and talk to Randy Rowe, who served in Mr. Brown's position at that time. He said if I say something that is incorrect, please feel free to correct me.

Mr. Ford said that Mr. Nowicki had over a hundred parrots and other birds, on his property. Its 40 acres of property and it is in Rural Residential zoning. He was charged with having these birds in inappropriate zoning and also for building an aviary without proper permits. He was represented by a well-known, local attorney at the time. The attorney raised several defenses; primary defenses were that the county's zoning ordinance was preempted by the rules and regulations of Florida Fish & Wildlife Conservation Commission and therefore, since it was a legitimate agricultural activity, he didn't need to have the building permits to build the aviaries. That was a position, that Mr. Nowicki's attorney, firmly believed was correct and she convinced Mr. Nowicki that it was correct. Unfortunately, this board disagreed, and from there it got pretty bad.

On June 20, 2001, he was found in violation. The fines imposed between the two cases were \$550.00 per day, until compliance was achieved. Interestingly, Mr. Nowicki's attorney did not appeal. The next step was that the county sued to foreclose on the liens. So instead of appealing, Mr. Nowicki's attorney filed a counter claim, basically seeking to have this board's actions deemed inappropriate. She also asked that the case be removed to federal court. Ultimately, a judgment was entered in favor of the county and against Mr. Nowicki. By the time the judgment was entered the \$134,600.00 of fines had amassed to \$262,200.00, plus court costs.

During this process, Mr. Nowicki's council continued to represent to him that he was in the right, the county's position was wrong and to hang in there. Unfortunately, while giving Mr. Nowicki these assurances, the attorney didn't attend hearings and didn't take steps that attorneys would typically take, in this type of litigation. Mr. Nowicki wasn't aware that she wasn't actively defending him in this case and he lost the case.

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Mr. Nowicki entered the council chambers and took a seat.

The end result is that the county ended up levying on the birds, the bird cages and other equipment. There were some expenses in doing that. The county ended up gaining \$155,000.00 roughly, on the sale of the birds. At the time that this happened, Mr. Nowicki didn't know that a judgment had been filed against him. He didn't know that the levy had been ordered and was out of the country; when they came and took his birds away. There was not much communication between himself and his council.

The first thing that I did when I was hired was, contact Mr. Rowe who used to be this board's attorney. I asked him for his recollection of the case. Mr. Ford said that Mr. Rowe thought he was joking; he said what are you really calling me about? Mr. Rowe said that the case is over 15 years old. Mr. Ford said that he explained that there was still this large lien outstanding and Mr. Nowicki had hired me to try to get it removed. Mr. Ford said that Mr. Rowe thought that had happened many, many years ago. Mr. Rowe's recollection was that the case was over and done with and that the county was happy with the \$155,000.00. His recollection is that the case had gone away.

The County Attorney's Office also spoke with Mr. Rowe who told them the same thing. Mr. Ford said that the birds were sold for \$155,162.50, when Mr. Nowicki believes that they could have been sold for more than \$400,000.00. Mr. Ford explained that Mr. Nowicki's previous legal counsel took the position that he had legal defenses and she also took that same position in court. In hindsight, Mr. Nowicki would have taken a different approach if he had been given different legal counsel.

Mr. Ford remarked that it was a three to one vote, when the case went before the board; with at least one board member agreeing with Mr. Nowicki. Mr. Ford said that he didn't think that it was unreasonable that Mr. Nowicki took her advice. As a result of this, Mr. Nowicki has lost a tremendous amount of assets. Mr. Ford said that if he would have received different advice, he could have moved his birds. Mr. Ford said that he asked Mr. Nowicki, what he would have done if his attorney said... "the county's right, you're wrong." Mr. Nowicki said that he would have moved the birds to a different property. Mr. Ford said that they did make an attempt to rezone the property but that request was withdrawn.

Mr. Ford said that his experience with code enforcement staff is that they seek voluntary compliance, over enforcement action. He said that he is confident that if Mr. Nowicki had been told to move the birds that code enforcement staff would have worked with him; code enforcement staff would have given him time, to move the birds in an orderly fashion. Mr. Ford said that Mr. Nowicki has been in compliance since February 3, 2003 on case 078 and March 13, 2003 on case 080. He's been in compliance for over 15 years. Mr. Ford explained his understanding, of how the board comes up with the fine/lien amounts. He said that they use 10% of the assessed

July 18, 2018

property value, to come up with the maximum lien amount. He explained that if the board went back 15 years, the assessed value of the property was \$193,319.00 and that fine would have been roughly, \$19,400.00; plus there are also some costs that would have been tacked on. He said but even with those costs, we're still way over the 10%. Mr. Ford said that by his calculations, Volusia County received around 80% of the assessed value of the property. He explained his reasoning for the amounts.

Mr. Ford said that there was a counter claim in this case. He said back in the day, the county would have wanted a release from Mr. Nowicki, because he was suing the county as well. Mr. Ford asked Mr. Nowicki if that was something that he'd be willing to give. Mr. Nowicki said that he would, as a condition of the reduction. Mr. Ford explained Mr. Nowicki's plans and why he would like a reduction. He explained that he would like the \$155,000.00 that the county received suffice and reduce the remaining amounts to zero.

Mr. Cino told Mr. Brown, that the county and the board should get something in writing, saying that they are clear of it.

Mr. Brown said that's fine.

Mr. Cino said that he would feel more comfortable.

Mr. Brown said that's fine.

Mr. Ford said that they would do a standard release. He said that Mr. Nowicki would like to put the whole thing behind him.

Member Zahn said this is an example of what can happen. He said one thing that we've done, is begin to put caps on the fine amounts. He said that if someone is not paying attention, these fines can just run on. He said that Mr. Ford's presentation was very thorough and that the county has been more than compensated for the fines. He said that Mr. Ford is accurate about how things are handled today. He said that the 10% wasn't necessarily used back then, but its good logic for how you've approached this case. My feeling about this case, is that all three of them should be reduced to zero and the appropriate paperwork be filed.

Member Needham asked what the county's recommendation is.

Mr. Nelson said that staff's recommendation is whatever the board desires. He said we don't object to going to zero.

Member Needham asked if the costs had been more than covered.

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Mr. Nelson said that they had.

Based on the evidence and testimony provided, Member Zahn **MOVED to reduce the fine to \$0.00 in each case and that the appropriate legal documentation be filed. The board further ordered that a satisfaction be filed, releasing Volusia County and the Code Enforcement Board from any and all claims.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2001080- NOWICKI MACIEJ EDWARD

Served

Complaint No. 000814081

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 22.32 – Standard Building code, 1997 Edition, Sections 104.1.1 and 105.6, for construction for which the required building permit (s) and inspection approvals have not been obtained or maintained at 1750 Old Titusville Road in Deltona.

(Code Administration – Tom Reynolds)

- *The Code Enforcement Board continued this case from the June 20, 2001, hearing;
- * Order of Non-Compliance issued at the June 20, 2001 hearing;
- * Order Imposing Fine/Lien issued at the September 19, 2001 hearing;
- * Petition to Enforce Lien Filed May 20, 2002;
- * Property Foreclosed by Volusia County on January 8, 2003;
- * Order of Compliance issued at the March 5, 2003 hearing;

Request to discuss reduction of fine/lien amount of \$12,300.00

Based on the evidence and testimony provided, Member Zahn **MOVED to reduce the fine to \$0.00 in each case and that the appropriate legal documentation be filed. The board further ordered that a satisfaction be filed, releasing Volusia County and the Code Enforcement Board from any and all claims.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

Satisfaction or Release of Summary Final Judgment bearing Case No. 2002-10776-CIDL, County of Volusia, Petitioner, vs Maciej Edward Nowicki, Respondent, recorded January 8, 2003 in Official Records Book 4994, Page 4501.

\$107,405.00 plus interest remains unsatisfied from the original judgment amount.

Based on the evidence and testimony provided, Member Zahn **MOVED to reduce the fine to \$0.00 in each case and that the appropriate legal documentation be filed. The board further ordered that a satisfaction be filed, releasing Volusia County and the**

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Code Enforcement Board from any and all claims. After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2010179- MORRIS, Bennie C. & Hallie Mae LABOY KENDRICK
Sheriff Posted

Complaint No. 20090331959

Violation of Volusia County Code of Ordinances, Chapter 72, Article II, Division 7, Section 72-241R-4 for having a junkyard where not permitted at 209 Spruce Street in New Smyrna Beach.

Parcel No. 7418-01-29-0070 *Zoning: R-4*

Zoning Compliance Officer– Debbie Zechnowitz

Property owner first advised of violation on November 11, 2010;

*Order of Non-Compliance issued at the February 16, 2011, hearing;

*Final Order Imposing Fine/Lien issued at the May18, 2011, hearing;

*A Report & Affidavit of Compliance was submitted with a compliance date of March 27, 2013;

*Order of Compliance issued at the April 17, 2013 hearing;

* On November 15, 2017, the board reduced the accumulated fine/Liens from \$77,375.00 total to \$5,000.00, payable within 30 days. The property owner did not pay the reduced amount.

Request for Discussion of Fine/Lien \$15,475.00

The respondent was present for the hearing. The respondent gave his name and address for the record.

Kerry Leuzinger, Chief Building Official, presented the case. This case goes back to 2011-2012, five cases total; fines were assessed. The fines totaled to \$77,375.00. Mr. Laboy purchased the property last fall. He did not create the violations, nor was he involved with resolving them either. He bought the property with the violations already cleared up and the liens on the property. Mr. Laboy was here and asked the board to reduce the fines in November of 2017. The board reduced the fines to \$5,000.00, payable within 30 days, or the fines would revert back to the original amount. The 30 days expired and the fine reverted back to the original amount of \$77,375.00. Mr. Laboy is here to ask you to consider a reduction again.

The Chairman asked why Mr. Laboy didn't pay the fine in 30 days.

Mr. Laboy said to \$5,000.00 that I didn't have.

The Chairman asked what his request was today.

Mr. Laboy said to see if I could get them reduced again.

The Chairman asked to \$5,000.00

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Member Zahn asked for staff's recommendation.

Mr. Leuzinger said that we recommended back in November to reduce it to \$5,000.00. The board agreed and it reverted back to the original amount and staff stands there. The Chairman asked what staff's opinion would be for \$5,000.00 again?

Mr. Leuzinger said it's up to the desire of the board.

The Chairman said if we did \$5,000.00 in 30 days, would you be able to do it this time?

Mr. Laboy said maybe 45 days. He said from the purchase of the land, you guys collected \$8,400.00 which covered the taxes that was owed on the property; there was a surplus that you guys also collected. He said you already have the check too; it was for \$1,600.00.

Mr. Brown said there was a surplus amount after the tax deed sale?

Mr. Laboy said yes.

Mr. Brown said of \$1,600.00.

Mr. Laboy said it was more like \$1,800.00, but I'm guessing after all the fees and all; you guys got a check for \$1,600.00.

Mr. Cino and Mr. Brown discussed the surplus funds.

Mr. Nelson said that the surplus money goes into the MSD and that it doesn't go into any of our budgets.

Member Wild said we didn't get it?

Mr. Cino said, we didn't get it.

Meghan Lindsey, Code Enforcement Board Clerk, brought Mr. Brown a copy of the check for the surplus funds.

Mr. Brown said for clarification, we received a check from January 9, 2018, from the Clerk of the Court for \$1,781.73. So it does look like there was a surplus after the tax deed sale, came to the county in that amount.

The Chairman asked if that went into the MSD?

Mr. Nelson said yes it goes into the MSD. He said that's where all the fines go.

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Mr. Laboy said that when there's a surplus, anybody that has liens on a property gets notified and code enforcement, they made claim to that surplus. He said they did collect the \$1,700.00.

Mr. Nelson said yes, we collected it and it went into a county fund. You are correct.

Mr. Laboy said when I make payment on this lien, who collects it? The same people?

Mr. Nelson said collection and retention are two different things. He said we collect it and the county's MSD gets it; Mutual Service District Fund. It did not go to code enforcement, just so that you know. He said all fines go to the MSD.

Mr. Nelson explained that whoever is collecting it is like the cashier.

Member Wild asked Mr. Laboy if her had 60 days could he pay the fine?

Mr. Laboy said he could.

Based on the evidence and testimony provided, Member Wild **MOVED to reduce the fine to \$5,000.00 for all five cases; a \$1,000.00 per case. The board further ordered that the reduced fine be paid within 60 days of the hearing, or the fines revert back to the original amounts.** After Member Zahn **SECONDED** the motion, it **CARRIED** by five to one voice vote, with Member Runge voting **AGAINST** the motion.

CEB2010181 – MORRIS, Bennie C. & Hallie Mae LABOY KENDRICK
Sheriff Posted

Complaint No. 20090331001

Violation of Volusia County Code of Ordinances, Chapter 118, Article II, Section 118.34 for Vehicle that is inoperative and/or without current state license tag at 209 Spruce Street in New Smyrna Beach.

Parcel No. 7418-01-29-0070 Zoning: R-4

Zoning Compliance Officer – Debbie Zechnowitz

*Property owner first advised of violation on November 11, 2010;

*Order of Non-Compliance issued at the February 16, 2011, hearing;

*Final Order Imposing Fine/Lien issued at the May 18, 2011, hearing;

*A Report & Affidavit of Compliance was submitted with a compliance date of March 27, 2013;

*Order of Compliance issued at the April 17, 2013 hearing;

* On November 15, 2017, the board reduced the accumulated fine/Liens from \$77,375.00 total to \$5,000.00, payable within 30 days. The property owner did not pay the reduced amount.

Request for Discussion of Fine/Lien \$15,475.00

The respondent was present for the hearing.

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Kerry Leuzinger, Chief Building Official, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to reduce the fine to \$5,000.00 for all five cases; a \$1,000.00 per case. The board further ordered that the reduced fine be paid within 60 days of the hearing, or the fines revert back to the original amounts.** After Member Zahn **SECONDED** the motion, it **CARRIED** by five to one voice vote, with Member Runge voting **AGAINST** the motion.

CEB2010182 – MORRIS, Bennie C. & Hallie Mae LABOY KENDRICK
Sheriff Posted

Complaint No. 20101109009

Violation of Volusia County Code of Ordinances, Chapter 72, Article II, Division 8, Section 72-287 (C) for a trailer improperly parked at 209 Spruce Street in New Smyrna Beach.

Parcel No. 7418-01-29-0070 Zoning: R-4

Zoning Compliance Officer– Debbie Zechnowitz

*Property owner first advised of violation on November 11, 2010;

*Order of Non-Compliance issued at the February 16, 2011, hearing;

*Final Order Imposing Fine/Lien issued at the May 18, 2011, hearing;

*A Report & Affidavit of Compliance was submitted with a compliance date of March 27, 2013;

*Order of Compliance issued at the April 17, 2013 hearing;

* On November 15, 2017, the board reduced the accumulated fine/Liens from \$77,375.00 total to \$5,000.00, payable within 30 days. The property owner did not pay the reduced amount.

Request for Discussion of Fine/Lien \$15,475.00

The respondent was present for the hearing.

Kerry Leuzinger, Chief Building Official, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to reduce the fine to \$5,000.00 for all five cases; a \$1,000.00 per case. The board further ordered that the reduced fine be paid within 60 days of the hearing, or the fines revert back to the original amounts.** After Member Zahn **SECONDED** the motion, it **CARRIED** by five to one voice vote, with Member Runge voting **AGAINST** the motion.

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**CEB2010183 – ~~MORRIS, Bennie C. & Hallie Mae~~ LABOY KENDRICK
Sheriff Posted**

Complaint No. 20101109011

Violation of Volusia County Code of Ordinances, Chapter 72, Article II, Division 8, Section 72-287(B) for maintaining a r/v, boat and/or trailer without current tags/validation sticker at 209 Spruce Street in New Smyrna Beach.

Parcel No. 7418-01-29-0070 Zoning: R-4

Zoning Compliance Officer – Debbie Zechnowitz)

*Property owner first advised of violation on November 11, 2010;

*Order of Non-Compliance issued at the February 16, 2011, hearing;

*Final Order Imposing Fine/Lien issued at the May18, 2011, hearing;

*A Report & Affidavit of Compliance was submitted with a compliance date of March 27, 2013;

*Order of Compliance issued at the April 17, 2013 hearing;

* On November 15, 2017, the board reduced the accumulated fine/Liens from \$77,375.00 total to \$5,000.00, payable within 30 days. The property owner did not pay the reduced amount.

Request for Discussion of Fine/Lien \$15,475.00

The respondent was present for the hearing.

Kerry Leuzinger, Chief Building Official, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to reduce the fine to \$5,000.00 for all five cases; a \$1,000.00 per case. The board further ordered that the reduced fine be paid within 60 days of the hearing, or the fines revert back to the original amounts.** After Member Zahn **SECONDED** the motion, it **CARRIED** by five to one voice vote, with Member Runge voting **AGAINST** the motion.

**CEB-2010184 – ~~MORRIS, Bennie C. & Hallie Mae~~ LABOY KENDRICK
Sheriff Posted**

Complaint No. 20101109008

Violation of Volusia County Code of Ordinances, Chapter 72, Article II, Division 8, Section 72-287(E) for parking a motor vehicle(s) on front yard, other than on driveway at 209 Spruce Street in New Smyrna Beach.

Parcel No. 7418-01-29-0070 Zoning: R-4

(Building and Zoning Compliance – Debbie Zechnowitz)

*Property owner first advised of violation on November 11, 2010;

*Order of Non-Compliance issued at the February 16, 2011, hearing;

*Final Order Imposing Fine/Lien issued at the May18, 2011, hearing; *A Report & Affidavit of Compliance was submitted with a compliance date of March 27, 2013;

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*Order of Compliance issued at the April 17, 2013 hearing:

* On November 15, 2017, the board reduced the accumulated fine/Liens from \$77,375.00 total to \$5,000.00, payable within 30 days. The property owner did not pay the reduced amount.

Request for Discussion of Fine/Lien \$15,475.00

The respondent was present for the hearing.

Kerry Leuzinger, Chief Building Official, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to reduce the fine to \$5,000.00 for all five cases; a \$1,000.00 per case. The board further ordered that the reduced fine be paid within 60 days of the hearing, or the fines revert back to the original amounts.** After Member Zahn **SECONDED** the motion, it **CARRIED** by five to one voice vote, with Member Runge voting **AGAINST** the motion.

CEB2017302-DAJOMA INC

Posted

Complaint No. 20160415034

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

Property Location: 2 Tropic Winds Dr, Port Orange 32128

Parcel No. 62260000032

Zoning: MH-4

Building Compliance Officer - Beverly J Abrahamson

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

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

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

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

Request to discuss progress on the property, to stay the accumulating fine/lien

Teal D'hondt, the wife of new owner, Jeremy D'hondt gave testimony on the progress that had been made on the property. She gave her name and address for the record.

Kerry Leuzinger, Chief Building Official, presented the case. Mr. Leuzinger said that staff really doesn't have a presentation. He said that the demolition permits have been issued. He said that Mr. D'hondt has been out there when he can.

Member Wild asked if the demolition permit was for the entire site.

Mrs. D'hondt and Mr. Leuzinger both said yes.

Mrs. D'hondt said since the last hearing, we have taken ownership. She said that her husband now owns the whole property and Dajoma Inc. has been dissolved. She said that everything is in a residential permit. Mrs. D'hondt said that while we're here, we're July 18, 2018

going to try to extend the permit. She said that they've already taken out 8 mobile homes, since the last hearing.

Mr. Nelson thanked her.

Mrs. D'hondt reiterated the progress that had been made on the property and explained why they needed a permit extension.

The Chairman asked Mrs. D'hondt if they applied for a permit to demolish all 50 structures.

Mrs. D'hondt said that they were going to demolish all 50. She said that its been approved.

The Chairman asked about the wastewater treatment plant.

Mrs. D'hondt said that they haven't gotten that far yet. She said that they're not sure what they're doing with that yet. She said that their first goal is to demolish all the trailers on the property and bring the house on the property to code. She said that they will be getting contractors out there, to see what it will take to bring the house to code.

Mrs. D'hondt said that they want to stay the fine, because they've taken ownership and they've shown progress.

The Chairman asked if the 8 units that were demolished were near Tom Circle.

Mrs. D'hondt said yes and provided the board with an aerial picture that showed which trailers were demolished.

Mr. Brown asked when Dajoma Inc. was dissolved did the property go under a new name or a personal one.

Mrs. D'hondt said that it's under her husband's personal name.

Member Wild asked if John D'hondt, her father-in-law, was still connected with the project.

Mrs. D'hondt said that he was no longer a part of the property any more. She said we've taken 100% of the property.

Member Wild asked other than to sleep better, what other benefit is there to have the fine stayed? He said if you're making the kind of progress that you are now, if that continues, I can't see that we wouldn't release the fine.

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Mrs. D'hondt said right. She said to help us sleep better, we'd like to see the fine stopped. She explained that they are going to keep going.

Member Zahn said that it looks better on the property records, if you haven't started a fine. He said under the circumstances, if we can implement it; if it were me and my property, I'd much rather see a fine not begin.

Mr. Brown said to be clear, the fine has already begun and so, she's asking to stay the fine today. He said it began in May, so it would be to stay the fine to what's accumulated to today; there still would be a lien on the property.

Member Wild expressed concern that if there was a stay put into effect to a certain date that progress might halt. He suggested that they stay the fine to 60 days, rather than indefinitely.

Mrs. D'hondt said that would be fine. She said that her husband said that if the board could give 60 or 90 days, so that the fine is not accumulating.

Mr. Nelson said that staff would have no problem with 90 days.

Mrs. D'hondt asked if she needed to come in at the end of 90 days to show that progress has been made.

The board said that she should come in before that. It was decided that the D'hondt's would come to the October 17, 2018 Code Enforcement Board hearing and that the fine would be stayed until October 18, 2018. They explained that they could continue the stay if progress has been made.

Mr. Leuzinger said that they would extend the permit to the October 18th date. He also said that he would inspect the property to make sure that the 8 mobile homes have been removed, as Mrs. D'hondt said that they were. He explained that they would monitor the property a little better.

Mr. Nelson asked if they could concentrate on taking the mobile homes down by Tom Circle.

Mrs. D'hondt said that is their goal.

Based on the evidence and testimony provided, Member Wild **MOVED to STAY the fine as of today and continue the stay for 90 days.** After Member Runge **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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- A. Tally Sheets (Quarterly)**
- B. As Entertained by Chairman**
- C. As Entertained by Board Attorney**
- D. As Entertained by Staff Attorney**
- E. As Entertained By Staff**

* * * * *

ADJOURNMENT

There being no further business to discuss before the Board, the meeting adjourned at 12:43 p.m.

Respectfully submitted,

Meghan Lindsey
Code Enforcement Board Clerk

July 18, 2018

CERTIFICATE

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

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

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

**Meghan Lindsey
Code Board Clerk**

July 18, 2018