



**VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES**

**July 15, 2020**

**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  
Clement Nadeau (Webinar)  
Donald Needham (Webinar)  
Vikki Leonard  
Pete Zahn (Webinar)  
Charles Cino, Board Attorney**

**MEMBERS ABSENT**

**Andrew Hall**

**STAFF PRESENT**

**Kerry Leuzinger, Building and Code Administration Manager  
Chris Hutchison, Code Compliance Manager  
Margaret Godfrey, Code Compliance Coordinator  
Debbie Zechnowitz, Code Compliance Officer  
Michael Mazzola, Code Compliance Officer  
Robert Chayer, Code Compliance Officer  
Isiah Pitts, Code Compliance Officer  
Sebrina Slack, Assistant County Attorney  
Kristopher Brown, Environmental Specialist  
Ramona Jones, Code Board Clerk**

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**APPROVAL OF MINUTES**

**Member Needham moved to approve the minutes from the May 20th and June 17th, 2020 hearings. Member Zahn seconded the motion which carried unanimously by voice votes.**

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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**

**CEB2017046- DAY CALVIN C & MONNIE L**

**Posted**

Complaint No. 20161021002

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: 1103 E Arizona Ave, Deland 32724

**Parcel No. 701000000500**

**Zoning: R-4**

**Building Compliance Officer – Margaret Godfrey**

Property owner was first notified of the violation on November 10, 2016

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

\*1st Amended Order of Non-Compliance issued at the May 17, 2017 hearing:

\*Final Order Imposing Fine Lien issued at the July 19, 2017 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of June 2, 2020:

**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, Member Leonard Abstained - Form 8B will be attached, it then **CARRIED** unanimously by voice vote by the rest of the Board Members.

**CEB2019273- BOUDREAUX DALE F**

**Served**

Complaint No. 20181226004

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

Property Location: 711 Pineland Tr, Ormond Beach 32174

**Parcel No. 411200000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

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

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

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

\*2nd Amended Order of Non-Compliance issued at the January 15, 2020 hearing:

\*3rd Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of June 29, 2020:

**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, Member Leonard Abstained - Form 8B will be attached, it then **CARRIED** unanimously by voice vote by the rest of the Board Members.

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**CEB2019302- BOUDREAU DALE F**

**Served**

Complaint No. 20181226006

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

Property Location: 711 Pineland Tr, Ormond Beach 32174

**Parcel No. 411200000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

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

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

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

\*2nd Amended Order of Non-Compliance issued at the January 15, 2020 hearing:

\*3rd Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

**Hearing to Impose Fine/Lien**

There was nobody present at the hearing for this case. All three cases were heard at the same time.

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos of the violations. Robert stated that there has been no progress since May 20, 2020 and the building permit has been cancelled.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing August 20, 2020 and to continue until compliance is achieved, but not to exceed \$7,800.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Wild **SECONDED** the motion, Member Leonard Abstained - Form 8B will be attached, it then **CARRIED** unanimously by voice vote.

**CEB2019303- BOUDREAU DALE F**

**Served**

Complaint No. 20190418037

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

Property Location: 711 Pineland Tr, Ormond Beach 32174

**Parcel No. 411200000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

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

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

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

\*2nd Amended Order of Non-Compliance issued at the January 15, 2020 hearing:

\*3rd Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount** July 15, 2020

**of \$50.00 per day/per case commencing August 20, 2020 and to continue until compliance is achieved, but not to exceed \$7,800.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Wild **SECONDED** the motion, Member Leonard Abstained - Form 8B will be attached, it then **CARRIED** unanimously by voice vote.

**CEB2019304- BOUDREAU DALE F**

**Served**

Complaint No. 20190418039

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Converting shipping containers and trailers into accessory structures for storage of business inventor

Property Location: 711 Pineland Tr, Ormond Beach 32174

**Parcel No. 41120000090**

**Zoning: A-2A**

**Code Compliance Officer - Robert Chayer**

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

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

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

\*2nd Amended Order of Non-Compliance issued at the January 15, 2020 hearing:

\*3rd Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing August 20, 2020 and to continue until compliance is achieved, but not to exceed \$7,800.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Wild **SECONDED** the motion, Member Leonard Abstained - Form 8B will be attached, it then **CARRIED** unanimously by voice vote.

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**CEB2019329- ORTIZ LAURA J**

**Served**

Complaint No. 20190517034

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: 1434 John Anderson Dr, Ormond Beach 32176

**Parcel No. 323413000340**

**Zoning: R-3**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on May 31, 2019

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

\*1st Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

\*2nd Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

**Hearing to Impose Fine/Lien**

There was nobody present at the hearing for this case.

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert stated that the variance was issued and the permit is ready to issue. He has contact with the property owner.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b), with a Hearing to Impose Fine set for the August 19, 2020 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2019388- IMBERGAMO ROSEMARY A**

**Posted**

Complaint No. 20190710031

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: 1106 Avenue J, Ormond Beach 32174

**Parcel No. 422901250140**

**Zoning: MH-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on October 11, 2019

\*Order of Non-Compliance issued at the January 15, 2020 hearing:

\*1st Amended Order of Non-Compliance issued at the February 19, 2020 hearing:

\*2nd Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

**Hearing to Impose Fine/Lien**

There was nobody present at the hearing for this case.

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Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert stated he has no contact with the owner, the trailer appears to be more level than before, so work has been done without permits. No permits have been applied for or issued.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing August 20, 2020 and to continue until compliance is achieved, but not to exceed \$4,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2019400- CONTESTIBLE VINCENT**

**Posted**

Complaint No. 20191210020

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291

Property Location: 4083 SR 44, New Smyrna Beach 32168

**Parcel No. 722200000010**

**Zoning:**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on Dec 23, 2019

\*Order of Non-Compliance issued at the January 15, 2020 hearing:

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

**Hearing to Impose Fine/Lien**

Clifton Mcfadded, property owner, was present at the hearing for this case. All three cases were heard at the same time.

Debbie Zechnowitz, code compliance officer, presented the case. Debbie went over the case details, Chad asked what remains not in compliance, and Debbie said the berm that was behind the dirt that needed to be removed. Clifton stated he was hopeful that this would be cleaned up with in the next few weeks, he is at the mercy of the guy who is moving the dirt and would like as much time as possible. It is also known that Mr. McFadden inherited this situation and has taken the steps in order to come into compliance.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$200.00 per day/per case commencing September 17, 2020 and to continue until compliance is achieved, but not to exceed \$93,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 72, ARTICLE II DIVISION 8 SECTION 72-291.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2020055- BRICKER EUGENE**

**Served**

Complaint No. 20200224036

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

Property Location: 1930 Sunny Palm Dr, Ormond Beach 32174

**Parcel No. 422802000020**

**Zoning: MH-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on February 24, 2020

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

**Hearing to Impose Fine/Lien**

There was nobody present at the hearing for this case. All three cases were heard at the same time.

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos of the violations. Robert stated he has no contact with the property owners and this complaint actually came in by the Volusia County Sheriff's office.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing August 20, 2020 and to continue until compliance is achieved, but not to exceed \$1,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2020056- BRICKER EUGENE**

**Served**

Complaint No. 20191126068

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: 1930 Sunny Palm Dr, Ormond Beach 32174

**Parcel No. 422802000020**

**Zoning: MH-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on February 24, 2020

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

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing August 20, 2020 and to continue until compliance is achieved, but not to exceed \$1,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2020057-BRICKER EUGENE**

**Served**

Complaint No. 20191024038

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: 1930 Sunny Palm Dr, Ormond Beach 32174

**Parcel No. 422802000020**

**Zoning: MH-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on February 24, 2020

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

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing August 20, 2020 and to continue until compliance is achieved, but not to exceed \$1,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES 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.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2020068- WORSTELL JAMIE A**

**Served**

Complaint No. 20200414026

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: Eagle View Rd, Osteen 32764

**Parcel No. 920103000220                      Zoning: A-1**

**Code Compliance Officer - Michael Mazzola**

Property owner was first notified of the violation on 6-3-20

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

**Hearing to Impose Fine/Lien**

Michael Peters and Jean Marie Brooks, Deed Holders, was at the hearing for this case.

Michael Mazzola, code compliance, presented the case. Michael went over the case details, showing photos. Jean stated the structures that are on the property are for Ag purposes. Jean said they were living in the camper on the property due to illness and she was told by zoning that the camper could be there. An application is being submitted for the Agriculture Exemption.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(C), with a Hearing to Impose Fine set for the December 16, 2020 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

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## Hearings and Presentation of Filed Notices of Violations

### **CEB2020027- BURKE VANESSA**

**Served**

Complaint No. 20191209062

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

Property Location: 1330 Niatross St, Astor 32102

**Parcel No. 582802000100**

**Zoning: PUD**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Dec 11, 2019

Vanessa Burke and Elijah Vandabarren, were at the hearing for this case.

Isiah Pitts, code compliance, presented all 4 cases together. Isiah went over the case details, showing photos.

Isiah said "This bus right here, I met the gentleman Andy, he had 12 kids and he advised he was down here for short-term renting. He had seen an ad and that's what they believed they came down here for.

RVs are hooked up and still being lived in operating as a short-term rental. Staff recommendation, finding of noncompliance as of the date 8/7/20. And a hearing scheduled for 8/19/20.

Chad asked "The scope of the permit is the utility hookups?" Isiah replied yes

Chad asked Isiah, what information do you have on the business not permitting? Isiah said if you allow me to approach, I have pictures. Photos were passed out for board members to see and Isiah said the advertisement was found on Facebook.

Chad read the description Four sister ranch, five guests, 10 bedrooms. \$560 per night. And said it gives the opportunity to make a reservation.

Harry asked "What construction did we have?" Isiah said the electrical hookups that are not permitted.

Vanessa said "The advertisement is not coming up correctly. It's not \$650 a night. It's \$650 a month. I don't own the RVs. I wasn't aware I wasn't allowed to do it when I started. I thought I took out of the advertisements and the Internet and must not have. The people I have and have had people that have made reservations for up to a year when I started doing it. I know it has to be a possibility to do it, because I see the advertisements for the exact same thing I'm doing on the Internet. All over the place and I see people all over Volusia County with RV hookups. The error I made was I was basically ignorant and did not know that I needed to get all of these things. Because you go to Lowe's and Home Depot and get all the equipment to do this stuff. I just figured it

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was allowed. So what I want to do is get it legal, pay the taxes and pay what I need to do so I can continue doing it. I need this to support my children. Without this income, we can't survive.”

Isiah stated “For the record on 12/ 9/19, she was advised that she could not have any hookups.”

Harry asked if the zoning you have which is PUD, allows that?

Vanessa said “It doesn't disallow it. There's nothing in the zoning about it at all, actually.”

Chad said “what possibly has to happen, is the PUD has to be amended to allow this as a permitted use. If that's an Avenue you want to pursue, you can meet with County staff regarding an amendment to you might want to let your neighbors know, if it's a possibility. You have a unique situation, for lack of a better way of explaining, you have your own zoning district. And in that planning development agreement, it will list specific permitted uses. Some of them was prohibited uses. County staff interpretation is that what you were performing on the property is not in compliance with that PUD. I would like to have seen it, but anyway. I am believing staff on it's not a permitted use. Once you have that permitted use, then you can pursue a permit for the RV hookups. Then you can pursue for business license for hotel/motel. That would require a special exception spelled out in the PUD. That's a detail you have to work out with staff. If you're interested in pursuing, that would take a lot of time. It's up to the board to decide. I understand you've taken deposits and reservations and that sort of thing. The board can decide if we want to cure the violation in the interim or allow only the existing committed rentals or something of that sort.

Vanessa said “Right now I have three people and they are long-term residents for 1 year rental.

Chad asked when this was reserved,

Vanessa said July and June. Prior to that I had other people.

Chad said “So this month and last month you made reservations for a year knowing you are in violation.”

Vanessa then said “I know I am in violation but I'm also trying to get it correct. Like I said, if I don't do this, me and my children can't survive. And these people, I have been in contact with them for a long time.”

It was asked if this came about due to a received complaint.

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Vanessa said it's a complaint made by Elijah and he was not allowed at the property. Has an ankle bracelet and is not allowed at the property because of domestic violence to me. He knew what I was doing and he's trying to prevent me from providing for our children, is what's happening. Not sure why he's here because he has nothing to do with it at all.

Donald said he was wondering about the construction without requiring permits and/or special approval. You said that was the electrical hookup?

Isiah said yes and she advised they were there when she purchased the property.

Donald replied "The construction was there prior to and required a permit. My point here is that that violation, potential violation, would be independent of the PUD zoning. We've had capability to pursue an amendment to the PUD to specifically allow the use you want out there. I would recommend you at least pursue that. For any building code violations that's related to the building department and something independent. The PUD ones apply to that case. What was the recommendation of staff, to apply a fine down the road?"

Chad asked "what's going on with the waste water?"

Vanessa said "it's a septic system. That wasn't anything I altered. That's just the septic cleanout that was already there. Regarding the actual hookups, it's just a socket. I was not aware I needed a permit for that because you can buy all of the equipment at Lowe's. So I just didn't know. If that's something I need a permit for, then that's something I will do. I'm not against making this legal."

Vicki asked "you keep talking about RVs and camping and all that but on your website, looks like you're renting out your house?"

Vanessa said "I'm not. Wasn't sure where that came from because I never listed it in that way. I don't rent out my house at all. I live there with my children. Nobody comes into my house at all. It's hard to tell from the pictures but it's a five acre plot. In the front left hand corner, there's a little field and there is where the RV sits. These people live in RVs full-time and they travel around the country or they live there full-time because that's what they choose to do. I don't know. They go to places and they pay monthly rent to use the hookups. To dump their tanks and have electric and water. That's what I provide, is the hookups, that's it."

Vicki stated "Even though your website states entire home, apartment, hosted by Vanessa. 10 guests, five bedrooms and three baths. That's not what you're doing."

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Vanessa said "No ma'am. I don't even think that I made that but if I did, I did it incorrectly and that's not what's going on. We have the picture here that shows the RV, so that's what it is."

Harry asked "how long would it take to get an amendment to the PUD?"

Donald said "that entire process would take between 4-6 months. I also want to point out if you're pumping into a septic tank, the septic system is designed for the house and it's got a certain load associated with it. So if you're going to be adding to that, you need to expand the drain field if possible. That's a permitting situation that will, as part of this that you need to be aware of. So back to your question Harry, I say it will take between 4-6 months to complete the process. So I wouldn't expect we would play it out that far. Maybe three months from now we come back, or even a month and make sure progress is being made."

Vanessa said "regarding the septic, I was informed I could get it pumped yearly as opposed every three years and that should solve the issue."

It was recommended to check with the health department. Chad said they can help guide you on what that standard is. Because they may be the ones that get involved if that standard is not being met. Vanessa said "Got it. Okay."

Elijah stated he is the co-owner of this property. "I am on the deed, mortgage and the note. Ms. Burke is only on the mortgage which is not getting paid at this moment. I would like to start off by stating that she is correct with our family issues. Prior to those family issues occurring, we discussed the prospect of opening this RV Park. Which I vehemently opposed. I did all the research based on what she told me she wanted to do on the property and it was not allowed by the PUD. She knew that before this situation. My brother-in-law was an electrical engineer, which he opposed hooking up the 30 and 50 amps to the electric and a log cabin with four children living in it. It has been confirmed by DCF on the inside that the wires do go into the circuit box and they were not wired by a certified electrician. The PDU in question and if you can clarify this for me. As one of the owners of the property, I would have to approve on the rezoning of the property also. Is that correct?"

Chad said "Parties of the planning and development agreement would have to agree to any amendments."

Donald said "it probably depends on how the development order is written in the PUD. That's on County zoning. That will be something you would have to be reviewed that zoning."

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Elijah stated "I personally rejected this situation because we have people living on the property and if one of them falls or gets hurt in the swimming pool. I am liable for this. Mrs. Burke is generating income from an illegal business. She's not reporting the income in any fashion. She actually filed for bankruptcy in federal court in November. She listed the RV property as a rental income but then went in front of the court and the Department of children and families and that she doesn't generate any income whatsoever."

Chad stated for bankruptcy that have been filed, our attorney Sebrina Slack can respond and how this can proceed.

Sebrina Slack said "it is a sworn statement and they can be used against you as to the use of the property and that is relevant and to the relevance of the property. Let's stick to property uses."

Vanessa stated "but I didn't do that and I listed in my bankruptcy that this was going on."

Sebrina said "That's fine. Its proof that it's a rental property and that's not what's permitted."

Vanessa said "okay and that there was no premeditation as he is suggesting. We did not discuss this prior to that."

Elijah added that "the electric was not pre-existing when we purchased the house. The RV connections needed to be established and were wired by a non-licensed electrician without a permit. And they are a danger to the children that live there."

Chad stated "One thing, you may want to pursue is a permit for that or shut the circuit off. But you have people living there. Because we don't know if it's safe."

Pete stated "we require an affidavit from a certified electrician that it is safe. At least for my opinion, the motion will include that as we move through the process."

Chris Hutchinson said "Mr. Chair, per the building official, they are no longer accepting the affidavits from an electrician for that type of work."

Chad asked "what course of action do we have Kerry? When we have a possible and unsafe condition"

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Kerry stated "If work was done without a permit or its and safe, we require the property owner hire a licensed electrician. They will apply for a repair type permit. The electrician will need to go on to the property, making repairs if necessary and make a final inspection. We will send an electrical inspector out there if everything's good we close it out. Any problems, we let them know what needs to be done."

Chad asked "if something like a 30-50 amp wouldn't be denied based on zoning?"

Kerry stated "it's not zoning. We look at the electrical system. You're typically limited to a 60 amp. We may be looking at the load. We may want to consider what load we are adding to the existing surface. That could be an issue as well."

Vicki asked a question to Kerry. "Can we put a time limit on it still?"

Kerry stated "you can do that. If I'm not mistaken. I would think you can put a required timeframe on it."

Sebrina stated "we can't give her permission, outside of the zoning to continue to do these things. The violations will continue until she brings it into compliance."

Vicki said "I was just talking about we used to give them a 10 day electrical inspection for the certificate. If he's saying we can't use that anymore, can we put a time limit on the electrical permitting, check it out, repairs, etc.? Or would that drag on until whenever it happens?"

Kerry said "you can send as part of the order. I think an appropriate timeframe would be 30 days to hire an electrical contractor. Have that person apply for the permit into what we need them to do and request final inspection."

Harry stated "what we've done in the past when we've had a situation similar to this, actually we've asked the people to leave, and we have an unsafe condition because it hasn't been proven safe. With regard to the electrical. We have people living in RVs and venting where it's not permitted. Because it's not in the PUD and not permitted at this time. We've had the people evicted, not evicted, they had to leave because you can't just do it. Can't decide, even though it's not legal, we put it in and then ask forgiveness later. Where we've got health and welfare and safety issues, I don't think we can allow people to stay there."

Vanessa stated "I think that's debatable. There's not been an issue so far."

Harry said "it hasn't been proven that it's safe."

Vanessa said "it hasn't been proven that it's not safe."

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Charlie Cino stated "you know what you can do and can't do. You can't say its okay when it's not okay. You can't give compliance dates."

Chad stated "if the electrician was licensed, it will be easy to get a permit for it. If it was done properly, it would be an easy inspection."

Vanessa stated "I'm not worried about that."

Chad stated "Very good. So it won't be an issue but that's something you need to pursue very soon. Right here on this floor have your electrician get a permit for that property. Okay, what's of the desire of the board regarding these four cases?"

Harry stated "I don't think we can let people in there for six months while it takes to get a PUD and to make it legal."

Donald stated "what happens is, we make a motion with the timeframe for things to happen. And then they happen or don't happen. If they don't happen on the basis of the process, then the fine starts to kick in. It can run until compliance is achieved. We've got cases on here where it's being requested now. Essentially, we make the motion. I think we can do one on the PUD because that will take a while. And a separate motion related to case 028, because that's the electrical issue. I think the timeframe on that will be shorter. If you don't want to extend it out three months, we can follow the schedule recommended by staff and find out what's going on in a month. And see what progress is being made towards the PUD."

Chad asked you want to make a motion on 028?

Elijah stated, "Before you guys do make the decision. I would ask more time to take into consideration, during this illegal process. If somebody is heard on the property, I am held liable and I hope you take that into consideration with the timeframe. Because it's been going on for over a year now."

Chad stated "but that's a decision that was made when you explored this activity and having liability insurance or whatever you have to have to do it."

Elijah stated he refused this. Chad let him know that's a civil matter.

Pete said "we will have a timeframe that is as quick as we can make it. And there has to be an opportunity for due process. And then the legal issues on the other side are not really before the board. If you're ready for a motion, I am ready for it."

Pete gave his motion as follows "I'm going to do case 2020027, 202029 and 078. Based on testimony and evidence presented, we find violation in the state ordinance and reset a compliance date of August 7, 2020 and impose a fine for August 19, 2020."

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Pete stated “for the other Motion CEB2020028 Based on testimony and other evidence presented, we set a compliance date of August 7, 2020 and a hearing to impose fine August 19, 2020. And further call for action for a licensed electrician to apply for a permit for the necessary work within 30 days.”

Chad stated “both motions passed in these cases. So Ms. Burke, I would set up a meeting with planning and zoning as soon as you can and have your electrician come in and get a permit. Because you have a month to show us progress on working towards a solution.”

Vanessa asked “what is it that needs to be done by the 7th. I don't follow with the numbers.”

Chad told her “On August 6, you can call Isaiah and tell him all the RVs are gone and I flipped the circuit off and everything is cured. Or tell him that you have already met with Scott Ashley and you already have a permit and final inspection on electrical. Maybe that case goes away and you show us on August 19 that you are making progress.”

Vanessa asked “so the absolute first thing is the electrical permit?”

Chad said “two separate tracks. Go get a permit and a meeting with planning. Depending on the deed holder of the property, you might have to be agreed to the permit for electrical. That's something for you guys to work out.”

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241. With a compliance date of August 7, 2020 and a Hearing to Impose Fine is set for the August 19, 2020 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote

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**CEB2020028- BURKE VANESSA**

**Served**

Complaint No. 20191212001

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

Property Location: 1330 Niatross St, Astor 32102

**Parcel No. 582802000100                      Zoning: PUD**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Dec 11, 2019

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1. With a compliance date of August 7, 2020 and a Hearing to Impose Fine is set for the August 19, 2020 hearing and for a licensed electrician to apply for a permit for the necessary work within 30 days.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote

**CEB2020029- BURKE VANESSA**

**Served**

Complaint No. 20191231013

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: 1330 Niatross St, Astor 32102

**Parcel No. 582802000100                      Zoning: PUD**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Jan 24, 2020

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287. With a compliance date of August 7, 2020 and a Hearing to Impose Fine is set for the August 19, 2020 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote

**CEB2020078- BURKE VANESSA**

**Served**

Complaint No. 20200528004

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: 1330 Niatross St, Astor 32102

**Parcel No. 582802000100                      Zoning: PUD**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on May 29, 2020

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After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241. With a compliance date of August 7, 2020 and a Hearing to Impose Fine is set for the August 19, 2020 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote

**CEB2020048- Leslie Webb-Grimes**

**Served**

Complaint No. 20200302061

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (E) Parking motor vehicle(s) on front yard, other than on driveway

Property Location: 735 Swarthmore Rd, Deland 32724

**Parcel No. 702801280270**

**Zoning: R-3**

**Code Compliance Officer - Michael Mazzola**

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

There was nobody present at the hearing for this case

Michael Mazzola, code compliance, presented the case. Michael went over the case details, showing photos. Michael stated he has spoken with the property owner telling her they had to park on the drive way.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (E). With a compliance date of August 3, 2020 and a Hearing to Impose Fine is set for the August 19, 2020 hearing.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote

**CEB2020054- BAUGHMAN BLAINE**

**Served**

Complaint No. 20190530081

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: 54 Plaza Dr, Ormond Beach 32176

**Parcel No. 420300030133**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

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

Blaine Baughman was present at the hearing for this case.

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Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos of the header above garage that is sagging. There is an application for a permit in.

Blaine stated he has been trying to talk with an engineer and has not received any call backs. He did a restructure with the bank for the house and is now wanting to fix the issues. Robert said this came in as a complaint due to some 2x4's that were being used in the front of the house.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to CONTINUE TO AUGUST 19, 2020 for violation of Volusia County Code of Ordinances CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE**. After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote

**CEB2020058- AMARAL MARIA**

**Served**

Complaint No. 20191125046

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Maintaining a (duplex/multifamily) dwelling and/or use where not permitted

Property Location: 1301 Wright St, Daytona Beach 32117

**Parcel No. 423306000010**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on 5-13-20

Maria Howland, property owners' sister, was present at the hearing for this case.

Robert Chayer, code compliance, presented these 2 cases together. Robert went over the case details, showing photos of the 2 units and kitchens. Robert stated they met on site and went over that the second kitchen would need to be moved and that the house needs to be turned back to a single family residence. Margaret stated she was also out at the property and a wall was put up to separate the units.

Maria stated that she had done this to help the renter out. She stated that the electrical was already there before she got the house.

Sebrina Slack stated as it is currently the wall would have to go so that all the rooms are accessible as per the definition of a single family dwelling.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241. With a compliance date of August 10, 2020 and a Hearing to Impose Fine is set for the August 19, 2020 hearing**. After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote

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**CEB2020059- AMARAL MARIA**

**Served**

Complaint No. 20191125045

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

Property Location: 1301 Wright St, Daytona Beach 32117

**Parcel No. 423306000010**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on 5-13-20

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1. With a compliance date of August 10, 2020 and a Hearing to Impose Fine is set for the August 19, 2020 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote

**CEB2020069- RAMROOP ROUTIE**

**Served**

Complaint No. 20200210100

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

Property Location: 511 Pine St, Enterprise 32725

**Parcel No. 900103070011**

**Zoning: R-4E, R-4E (3), R-4E (3) A, R-4EA**

**Code Compliance Officer - Michael Mazzola**

Property owner was first notified of the violation on 6-3-20

There was nobody present at the hearing for this case.

Michael Mazzola, code compliance, presented the case. Michael went over the case details, showing photos. Michael said the owner lives in New York and that he spoke with her over the phone.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1. With a compliance date of August 3, 2020 and a Hearing to Impose Fine is set for the August 19, 2020 hearing.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote

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**CEB2020076- FELLER RICHARD S III**

**Served**

Complaint No. 20200601053

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 72, ARTICLE II DIVISION 7, SECTION 72-241 R-9W Urban Single-Family Residential. (Hotel/Motel where not permitted and use of premises where not permitted)

Property Location: 6402 River Rd, New Smyrna Beach 32169

**Parcel No. 850501700010**

**Zoning: R-9W**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on May 4, 2020

Richard Feller, Son of Owner, was present at the hearing for these cases. Both cases were heard at the same time.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Many neighbors are also present at this hearing. Margaret also stated that Mr. Feller had at least four months to come into compliance. This started in the spring. A request on June 25 was submitted for a pre-app meeting to go over requirements for special exception because he wanted to apply for bed-and-breakfast. When asked what the current use of the property was, it stated vacation rental.

Mr. Feller stated "One clarification, I believe a vacation rental is legal as long as it's 30 days or more? I did say it's a vacation rental of 30 days or more when I applied for the license. I had my special exemption meeting Thank you for letting me speak with you today. My parents are beyond embarrassed and my father couldn't attend today because of COVID-19. We are embarrassed about this because we are law-abiding citizens. We do everything we are supposed to do but the two issues being brought to us about the hotel/motel. I'd like to clarify a few things. I did speak with Mark Kaufman starting May 4, 2020 and we were working towards compliance. We had contracts that needed to be canceled and contract that could not be canceled. We work closely with the platforms our guests use to complete or cancel all of the reservations. Mark was aware and so we thought we were doing everything we needed to do to come into compliance. It was noted by my attorney that there was a precedence for not ending it or shutting it down. On June 2, I spoke with Margaret who became in charge of this. That was the first contact I had with Margaret on June 2. I told her much of the same information I just told you when I talked to Mark. I was able to confirm with Margaret that we were in full compliance. So the people there on June 10 were not renters. They were people moving furniture. On June 10, the sign was placed in the yard. The details of noncompliance and on June 12, I contacted code enforcement and Margaret to confirm the details of the complaints. These were screenshots of the only listing we had which at the time, became the upstairs unit and it showed a minimum of 30 days on June 10. And then again verbally and email, I confirmed there were no short-term guests and that continued to be verified by code enforcement. I was at the house on both days they drove by. Lastly, as a point of clarification, that downstairs room called watercolors was

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removed from online platforms. It's no longer being rented and that removal occurred on or around June 5. So let's see, lastly, I would like to read a quick email I had about short-term rentals. This was an email to the Bethune beach property owners Association. I addressed it to the two people listed on their website. And I also put a letter in the mailbox of the registered president of the property Association. I said I'm not sure who this message is going to as the email addresses don't match with the people on the website, but it's intended for the president and secretary of the Association. I am a property owner. My first question is for the secretary. I was told that Volusia County officials gave a presentation to the board about short-term rentals. They said there was a slideshow. I'm assuming this presentation happened over a year ago from what I can tell. I was wondering if you had historical record of this presentation and if I can be provided so I can get the name of the officials or office they were from. I was not at that meeting and I do have follow-up questions for that office. That was sent April 22 and I never heard anything back. So I was trying to inquire about the validity of short-term rentals based on neighbor complaints too. Unfortunately, I didn't go to the code board, went to the property owners Association. That brings me to the second complaint which is construction without a permit.

Chad said "that would be the gas countertop."

Mr. Feller stated "Construction without permits. Initially, I sent over everything I thought we needed to do. To be clear, we did not do modification to the house after purchasing it. And I will really, no construction with or without permits was done on this house after we purchased it. There was a question of the cooktop. It was communicated via email from Margaret and code enforcement that we could not have a second kitchen and the cooktop represented that second kitchen. The first point I'd like to make is the cooktop was there when we purchased the house. I have the Zillow listing that has the cook top pictures that Margaret showed you. And the cooktop was there when we purchased the house. Second point I'd like to make is, if you look at the original list of permits, the initial construction of the house did show two gas lines were pulled for that house. Since there were two gas valves, I assumed one was for upstairs and one was for downstairs. I can confirm there's no additional power run or anything like that. I know there's not a compliance issue with that but, there was an issue with the cooktop. I wanted to say what we've done. We remove the cooktop permanently. On June 10, as requested by code enforcement, we removed the cooktop. Pictures were sent to code enforcement. I emailed them via my attorney's office."

Sebrina Slack added that the attorney's office didn't receive them either and we typically deal directly with the attorney.

Mr. Feller said "Okay. I permanently capped off the gas line. I have pictures of construction and I put a cutting board inside the hole so I could present this. And I have a picture of the gas line. This is pre-capped off but this is Discount propane saying they July 15, 2020

currently locked off the gas line.”

Chad asked “is it your desire to rent the house for 30 days or more?”

Mr. Feller stated “No, It's our desire to sell the house now. We don't want to live in Volusia County ever again.”

Mr. Feller also stated he wasn't finished. “I'm sorry. As of today, let me reiterate, on June 10 of this year is when I was presented with a motion to appear. Let me go back, on May 4 I spoke with Mark Kaufman. We were presented with the first code violation. It was not February. May 4 was our first notice. We came into full compliance and was in full compliance were given a notice to appear. That notice was given to us on June 10 and by my math, it took about 30 days from our initial notice. Then on June 10 I was presented with a notice to appear for a second violation of construction without permits. This was a notice of violation, notice of violation and hearing notice and request for hearing all presented on the same day. I think you can see from the paper work, there was no construction. We took steps to remove the cooktop in question. This was communicated on June 12 but, there must've been some error as to why they didn't see that information. I pulled the permits from 1997. I think Margaret eluded to there were two permits pulled for gas. We did not install the cooktop but we were the ones that removed the cooktop. With all that being said, I think there's question if something wasn't received or whatever. We are actually trying to comply with everything we are supposed to be doing. I will take any other recommendations or whatever it is.”

Chad asked “when was the last time you had somebody rent for less than 30 days.”

Mr. Feller stated “June 1.”

Ricky Schrader, John Rapold and Kathleen Wiley, neighbors and complainants were also present at the hearing.

Ricky Schrader stated “we've got a problem and we've had enough. Y'all going to have to toughen up. We've got rats, we've got trash and we are done. Y'all will have to take care of it or we will take care of it. That's the point it's reached. What's one thing in common with everybody that's come here in violation, where is your mask?”

Chad said “Ricky, address us please.”

Ricky said “You don't care.”

Chad said “We do care.”

Ricky said “Here's the bottom line. I've lived a block away for 24 years. I'm going to take you for a walk around my block.”

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Chad said "We have to stay with what's on the agenda."

Ricky said "I think it's time to get serious because we are serious."

Chad said "I don't know what you are speaking to, short-term rentals?"

Ricky stated "Yes."

Chad asked "So you have a clarification of short-term rentals?"

Ricky said "Yes. There needs to be a task force and they need to get with the homeowners. It's been going on for 30 years. They advertise on the Internet. Watercolors one and two. \$179 Upstairs. \$149 Downstairs. Then he does a song and dance and he gets in this."

Chad said "We haven't voted and he's admitted to short-term rental."

Ricky said "What she did, the sign he said he posted out front. He posted in the back behind the grapes. I had a sheriff come to my house, I don't go on his property. I picked it up and put it in the front yard. I've got a ton of pictures. It's all around the neighborhood, weeds up to hear, rats. The reason you see me upset, I built homes for New Smyrna Construction Company. I've got people that couldn't come here today because of COVID. There is rats running on the rails. The guy behind us has been trapping the rats. He's got eight. People down the road have rats swimming in their pool. My wife and I go for a walk around the block, we've got rats in the street. We have to remember to keep the dog away from the dead rat."

Chad asked "Do you have anything pertinent to the case before us?"

Ricky replied "Do something. Finally do something. I just seen a case before May. I'm going to tell you how you do things. You had someone come appear with an illegal business, illegal electricity hooked up. What if somebody gets electrocuted today? The sewer is not hooked up right so we are contaminating the ground. I'm talking to you! Toughen up! You know who I'm here for, John. He's got a hotel across the street. Worked his butt off, got a wife and kids. Got parties going on across the street, people hanging over the deck throwing up. He can't even let his kids go outdoors."

Chad said "Excuse me, Mr. Schrader. We cannot do anything if you do not give us direct evidence about a specific property. Mr. Schrader, let me finish. We can only pursue specific cases with specific evidence. You are giving us a general information about a neighborhood."

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Ricky replied "Because you're not doing your job."

Chad said "You are not assisting. Listen. Listen. What specific information do you have about this specific address?"

Ricky replied "Here's what I have and it's for you. Why is it online, they advertise these and nothings ever done about it? Why is it that they rented down there for 30 years? The county hasn't done anything about it. In my mind, we are 30 miles away, we are forgotten. You've got an area bigger than the state of Montana to take care of, but that doesn't help us. We need to create our own city down there because you're not doing anything for us."

Chad replied "Again, we have a legal process. We have specific cases that have to be based on specific evidence. We have brought a case. It has the only evidence as you refer to. Do you have anything to add to this case that is evidentiary in nature?"

Ricky stated yes.

Chad replied "Then add it."

Ricky said "Do your job! Think of your neighbors. Have empathy for the neighbors that are suffering. The neighbors are suffering. Do your job!"

Chad said "We hear you Ricky. Next gentlemen please."

John Rapold of 6463 River Road stated "I've witnessed a lot of what Richard Feller has been doing a lot of the stuff he's told you has been lies. Lives in another house 100 yards away that he does the same thing that's not on the books here. He rents that one by the day. There's three neighbors here that can testify. They have taken 30-40 pictures of the cars in the front yard because he doesn't want to be blocked from his garage or driveway. He makes his people park there. These neighbors take pictures and give them to you. They come out there and then the cars aren't there so then they don't have the evidence. We have given you 40 pictures that he's doing the same thing to."

Chad stated "The case before us is for this address."

John replied "These people came for that case also."

Chad said "We don't have the other house. We are here for 6402. You live across the street from 6402 from your house."

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John replied "It's down the street from my house. Across the street from that lady right there. She's seen everything. He's telling you from the end of the pure, there's never been a 30 day rental. We've taken pictures of every car. License plate, where they came from and everything. On March 20, the governor gave an order. No vacation rentals down there. It didn't stop this guy. He continued business as usual. He rented nine times. Based on your people have stayed there for 30 days. They have not. Mr. Pikes, I spoke with him. He had a reservation to come down for a surfing tournament for his son. With the governor's order, he wasn't sure if he was going to come down. So the owner or Richard Feller told him it was okay. The guy stayed here for five days for \$350. They go straight to the beach. We have photos of them on the beach. Everything he keeps telling you is nothing but lies. Posted the sign. Which is supposed to be up there for all the neighbors to see that there is a hearing. He put it immediately in the bushes. She moved it back and he put it right back in the bushes."

Chad stated "The purpose of the sign is to notify the property owner. It is not to be a scarlet letter for the neighborhood to understand that there will be a hearing."

John replied "It's for them to show up. How will they know there's a hearing?"

Chad said "The complainant can follow up with code compliance. Posting on property is due process and notice to make sure the property owner knows their property will be the subject of a hearing. Did you see people come and go, let's say three different sets within 30 days?"

John replied "Absolutely. Nine I can give you. We've taken photos of every car. He has not had a 30 day rental there or his house he's lived in since February 28."

Chad said "In our code says 30 day rentals. That means someone can rent for five days and the six-day for someone else. They're allowed to stay for 30 but they can come and go for less than that."

John added "Then we see him come in to clean the place and he neatly after that, the new inventors come in. Now what does that mean? A governor's order. He jeopardize everyone's life. He's out here with no mask now. He doesn't care about this coronavirus thing. We have elderly people that stayed in their houses for two months. He's bringing in people from Louisiana, Michigan and North Carolina."

Chad replied "We got the gist of it."

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Kathleen Wiley of 6411 River Road stated “when his dad bought this house, I didn't think anything of it. Then all of a sudden, seemed like they were different people there every week. I thought boy, they have a lot of friends. So I asked him when I saw him walking, so where is your dad? I've never seen him since the day he came in with a cane. I'm assuming that's what it was. He says, he's in the hospital. He's going to be in hospital a long time. I'm like, I guess he was trying to say that's why there's different people there every week or something. So I started looking. On November 11, I think it was that day. I called to put in a complaint. The reason I did that I was working in my yard and there was a guy outside. An older guy so I go over there to introduce myself. I thought it was his dad. I thought it's nice to finally get to meet you. The guy tells me he's renting for a week. I think he said, two weeks and he wanted to stay another week but they wouldn't let him because someone was moving in the next day. Then he said in the upstairs, there's been two guys up there for the last week or so. And there's somebody, there's another lady up there right that just moved in. So I start watching. I have upstairs windows. I tried to not keep them open because there's different people looking in my windows, two sets of renters, all the time. Every week. Every week. Every week.”

Chad asked “for you, when did you notice this beginning?”

Kathleen said “I think it was on the 11th in November. You know when it stopped, the Saturday before July 4th. Right up until then. Every week.”

Donald asked “Since July 4th, what has happened?”

Kathleen stated “nothing. What they do, is they have cameras. I've seen it where, it's crazy. And I think they have neighbors that tell him if someone is coming or going or whatever. They come running around the block, I'm looking and I'm going, I don't believe this. One of them, don't know if it's his wife or girlfriend, runs up the stairs I guess to do something with the camera. Then he runs downstairs, gets two chairs. They put the two chairs out and they sit on it like they live there. The reason I'm saying this is they know when people are coming, like you guys. Somehow they know. I don't know how they know. So then they act like they lived there and they sit outside in the chairs. Like they're sitting around waiting to go to the beach. They don't live there. And I'm done.”

Chad said “Thank you ma'am. Is there another neighbor that wishes to speak to this, 6402?”

Donald said “With any additional information.”

Margaret asked “Have you seen anyone there since June 10th? “

Kathleen stated “Absolutely. Every week.”

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Chad said "All right. Mr. Feller."

Mr. Feller stated "people were there after June 10 but no short-term renters. Since June 1st. I do sit there because the signs were moved by Ricky Schrader, I have that on video cameras. We have video cams because of the trespassing. Not because I'm moving the signs because they are moving the signs. I do have cameras because we do watch the neighborhood. I think you saw why we would watch our neighborhood. I can say unequivocally, we thought we had a legal business in February and in March. Our first notification for 6402 was on May 4. We were in full compliance by June 1. When we receive information, when I say full compliance, we did not take any reservations, there was someone at the house on June 1<sup>st</sup> but we did not take any other reservations and we had nothing after June 12 when I confirmed both the building code violation and the fact it had a change. If that information is not given to you, it does currently and as of June 1, show that it is a 30 day rental only."

Harry asked "if the county had an opportunity to inspect that?"

Mr. Feller stated "No when I say given an opportunity, I've never been asked to have it inspected. For what, I don't know."

Chad replied "Compliance."

Margaret said "that's why I'm here now because the neighbors insisted it was until July 4th. I do have a letter from Mrs. Wiley from Mr. Feller which reads I want to ask you to stop questioning and bothering our guests. If you have any issues, this is November 17. If you have any issues, bring them to someone else's attention rather than interrogating our guests. Just because you feel we are doing something wrong, does not mean you are correct. I did think we were doing something right until we got the code enforcement letter from Mark Kaufman which was probably six months later."

Chad asked Margaret "those letters from Mark Kaufman or yourself, what was the compliance date in those letters?"

Margaret said "I set it immediately."

Mr. Feller stated "That was our first conversation on June 2 and I told her I complied immediately. Mark Kaufman's information, he did not give a timeframe."

Chad asked "Do we have a situation where he became compliance?"

Chris Hutchinson of Volusia County code said "Typically when a violation is issued, it states the compliance is 10 days from the receipt of the notice."

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Chad asked "So this one did not say 10 days. It said immediately."

Margaret added "Because of the emails back and forth between him and Mark Kaufman."

Chad said "However, you needed to bring code compliance to the property to illustrate it's in compliance."

Mr. Feller said "I wasn't told I had to do that. I was just told I had to come into compliance."

The Motion was then decided.

Chad then said "Mr. Feller, if you're in compliance and invite the staff out to confirm compliance "

Mr. Feller said "When would you like to come out? I would like to settle it."

Margaret stated "A point of reference, he did change his advertisement to read 30."

Donald stated "What we have done is you have been in the past, in violation. If you will get with the county and have them look at whatever they need to look at, if what you are saying is accurate, then we will have in August, by August 5, the county will be able to come back to us with an order of compliance. Which means you're complying. What that does is it subjects you to a repeat violation if you're caught violating it again. So don't be surprised if you got neighbors taking pictures."

Mr. Feller said "One thing I have a problem, when neighbors take pictures. I had a number of people over for breakfast. They were taking pictures. What do I need to do? I'm willing to do whatever you need."

Donald said "All I'm saying is if this happens again, you are subject to repeat violation which is a stronger fine."

Mr. Feller said "I absolutely get it. As long as I'm not being told I will be a repeat offender."

Chad then stated "Deal with Margaret on that inspection. Thank you Mr. Keller."

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After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72, ARTICLE II DIVISION 7, SECTION 72-241. With a compliance date of August 5, 2020 and a Hearing to Impose Fine is set for the August 19, 2020 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote

**CEB2020077- FELLER RICHARD S III**

**Served**

Complaint No. 20200610004

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

Property Location: 6402 River Rd, New Smyrna Beach 32169

**Parcel No. 850501700010**

**Zoning: R-9W**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on 6-12-20

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1. With a compliance date of August 5, 2020 and a Hearing to Impose Fine is set for the August 19, 2020 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote

**CEB2020086- BRISCOE SANDRA J**

**Served**

Complaint No. 20200107044

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: 1839 Linda Ave, Ormond Beach 32174

**Parcel No. 424213010310**

**Zoning: R-5**

**Code Compliance Officer - Robert Chayer**

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

Gerald Sullivan, property owners' fiancé, was present at the hearing for these cases.

Robert Chayer, code compliance, presented these 2 cases together. Robert went over the case details and showed pictures of the fencing. Robert noted he has had good communication and that they were getting a survey.

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Mr. Sullivan stated he was getting a survey and has the receipt but the company has been so back logged, he has been calling on a weekly basis so this can get taken care of. He explained that he has the fence in the back because of the neighbors having cameras pointing into his back yard. He went over some of the issues he has with the neighbor to explain the situation.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b). With a compliance date of September 10, 2020 and a Hearing to Impose Fine is set for the September 16, 2020 hearing.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote

**CEB2020087- BRISCOE SANDRA J**

**Served**

Complaint No. 20200107045

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-282 fence, wall or hedge over the maximum height allowed  
Property Location: 1839 Linda Ave, Ormond Beach 32174

**Parcel No. 424213010310**

**Zoning: R-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Feb 15, 2020

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-282. With a compliance date of September 10, 2020 and a Hearing to Impose Fine is set for the September 16, 2020 hearing.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote

**CEB2020094- Marjama Allen D**

**Served**

Complaint No. 20200408008

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-842(i)(2) Description: Failure to replace, within sixty (60) days, any replaced tree that dies or is determined to be effectively destroyed within two (2) years of being planted.

Property Location: 235 Quiet Trail Dr, Port Orange 32128

**Parcel No. 623504001570**

**Zoning: RR**

**Environmental Specialist II - Kristopher Brown**

Property owner was first notified of the violation on February 27, 2020

There was nobody present at the hearing for this case.

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Kristopher Brown, code compliance, presented the case. Kris went over the case details and showed photos, he spoke with the property owners on getting the tree permit, they came in a spoke with environmental management after some building issues with a house they are building and there was agreement that they would install the 44 trees to meet minimum standards within 30 days of this agreement and then we would pass the tree inspection for the CO, part of the agreement was to provide a receipt that the trees were already paid for and the would install them when the permit gets closed out as of July 2<sup>nd</sup> they have not installed any trees.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-842(i)(2). With a compliance date of August 7, 2020 and a Hearing to Impose Fine is set for the August 19, 2020 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote

**CEB2020096- COHEN LAWRENCE E**

**Served**

Complaint No. 20200622064

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

Property Location: 1561 N Sparkman Ave, Orange City 32763

**Parcel No. 800306040130**

**Zoning: R-4**

**Code Compliance Officer - Michael Mazzola**

Property owner was first notified of the violation on June 19, 2020

There was nobody present at the hearing for this case.

Michael Mazzola, code compliance, presented the case. Michael went over the case details and showed photos. Michael said he spoke with the property owner and told him to remove the junk from what appears to be a homeless camp which he is aware of this being there. A lot of the mess is gone but some stuff is still there on the property.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241. With a compliance date of August 3, 2020 and a Hearing to Impose Fine is set for the August 19, 2020 hearing.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote

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**CEB2020107- EVANS PATRICIA A**

**Served**

Complaint No. 20200514030

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

Property Location: 462 W Fern Dr, Orange City 32763

**Parcel No. 801516110070                      Zoning: R-4**

**Code Compliance Officer - Michael Mazzola**

Property owner was first notified of the violation on May 26, 2020

Patricia Evans, property owner, was virtually present via Webinar for the hearing of this case.

Michael Mazzola, code compliance, presented the case. Michael went over the case details and showed photos of the fence.

Ms. Evans stated that she has an application in for the fence permit.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b). With a compliance date of August 3, 2020 and a Hearing to Impose Fine is set for the August 19, 2020 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote

**CEB2020110- ALEXANDRA SHAWNTAY M**

**Served**

Complaint No. 20200306082

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

Property Location: Carroll Ave, Deland 32720

**Parcel No. 702017030460                      Zoning: R-5**

**Code Compliance Officer - Michael Mazzola**

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

Shawntay Alexander, property owner, was present at the hearing for this case.

Michael Mazzola, code compliance, presented the case. Michael went over the case details, showed photos of the property with cars, trailers and boats on the vacant lot.

Shawntay stated that the guy next door is the one putting the vehicles there, she has called the sheriff's department but can't seem to get the neighbor to stop. She is wanting to sell the property as she does not live near the location of the property.

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After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(C). With a compliance date of December 10, 2020 and a Hearing to Impose Fine is set for the December 16, 2020 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote

**CEB2020111- Ronald Hendricks**

**Sheriff Served**

Complaint No. 20200619034

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

Property Location: 47 Brooks Dr, Ormond Beach 32176

**Parcel No. 420310000580**

**Zoning: R-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on June 26, 2020

Ronald Hendricks, property owner, was present at the hearing for this case.

Robert Chayer, code compliance, presented the case. Robert went over the case details stated "this is 47 Brooks drive. The complaint came in from the neighbor, as usual. Stanley Pollock. Trailer improperly parked in the front yard. Violation was observed by me on June 18, 2020. Violation is a repeat offense. Original violation of 20160929016 was heard by the code enforcement board in 2016. Order of noncompliance was issued and the case was dismissed. Violations cited for chapter 72 article 2 section 72, 287. Original citation was for a boat and boat trailer, however utility trailers are covered under the same section as well. This case was cited under 72- 287. June 27, 2020 notice of violation. July 1, 2020 was the last inspection on site."

Harry asked "Can I get a question in? Maybe it's for Charlie. You've got it listed as a repeat violation. It seemed to me the repeat violation had to be not be the same chapter and verse but also the same articles? Am I mistaken in that?"

Charlie said "In my agenda, it did not show up as a repeat violation."

Robert said "It was cited as a repeat violation."

Charlie said "It doesn't say that. We can go forward, just can't go forward as a repeat violation. He has to have notice of that."

Chris Hutchison said "The notice was as a repeat violation."

Charlie said "The agenda doesn't say that."

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Harry asked "The repeat violation, does that have to be the same vehicles?"

Margaret said "It's actually a repeat of a repeat. In 2018, there was an RV. So we had to bring that as well. 2018, there was also it was addressed as a 72-287C for the boat and trailer. It was addressed again but for an RV and now there is the trailer"

Charlie said "The vehicle, different but the statute has to be the same."

Harry said "I didn't know how far down the road you had to be to be the same."

Chad said "One moment. I haven't seen the second slide or the third."

Robert stated "It's a trailer parked in the front yard and there's a picture on 618 and 623. June 18 and June 23. Looks to me he was doing landscaping out in the front yard. That's what it appeared like to me. Also, didn't have any contact with him, but I have in the past. You know, Mr. Hendrix has been real good with working with us when he needs to. On July 1, 2020, the trailer is from the front of the residence. So what we are asking for is a finding of noncompliance with an order impose a one-time lien, to be honest with you. I couldn't put a number on that. So, I would defer to the board. He's doing landscaping in his front yard."

Chad asked Robert. "What is the length you imagine that that trailer was there?"

Robert replied "Well, I went out there on the 28th and it was there. The 18th, he was working on landscaping. The 23rd, not sure what was in the trailer on that day."

Chad said "Okay, and those two pictures, those are five days apart. When you came back July 1 the trailer was not in front of the residents."

Robert replied "I didn't see it anywhere."

Vicki asked "Was it attached to it truck or parked in the driveway?"

Robert replied "It was attached to his truck both times."

It was asked if this was from a complaint.

Robert stated "Yes. The complainant is on the webinar with us."

Harry asked "We have a maximum time that a vehicle can be in front of the house. Does this take anything, does this come into play here? "

Robert replied "It's 36 hours. If you have an RV, you can wash it, get it ready for a trip. July 15, 2020"

So it's 36 hours at a time.”

Vicki asked “And its 36 continuous hours, correct?”

Harry asked “What if he moves it in between?”

Robert said “It was moved and attached to his truck the whole time.”

Mr. Hendricks said “When I was working, I put it in the yard. I have photos.”

Chad stated “I'm just going to finish with Bob. Do you want to call Mr. Pollock? Is that your witness?”

Robert replied “Mr. Pollock can speak if he wants to.”

Chad asked Mr. Hendricks “You next or Mr. Pollock next?”

Mr. Hendricks replied “I'm next.”

Chad said “All right. Mr. Pollock, hold on with us. We will hear from Mr. Hendricks. The floor is yours, sir. Okay Mr. Hendrix”

Mr. Hendricks said “I was doing landscaping. I want to let them see the pictures first. I want them up on the screen sir.”

Chad stated “We will see it but those online cannot see it. Sorry about that technology.”

Mr. Hendricks stated “How come they had pictures of everyone else up there but mind you can't show them. Mr. Pollock has called the code department only 55 times. I have been violated. I paid one fine that the code, the county stole my \$200. And I'd like to get my money back. I will tell you why they stole the \$200. That RV that Miss Maggie was talking about, I asked permission to put it there. I asked her and I asked him. And it was a misunderstanding. So I paid \$200 to put my RV where she told me it was okay. I paid the \$200 that you guys took. I'd like to get it back. Because the misunderstanding wasn't my fault.”

Margaret added “Clarification, I told him to park it where the boat was parked”

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Mr. Hendricks said "I have a picture of the guy that called the county on me 55 times. Of his parking his stupid car on the grass. He told the county that I parked my trailer on the grass for doing landscaping. That's my constitutional right to fix my house up and address my garden and do whatever I want. It's hooked to my truck. I backed it up. Where do you guys want me to put this thing? Up my butt? I'm tired of you guys coming to my house. I always cooperated with him. He comes to my house, I let him in. I'm trying to be calm about it. After 55 times code enforcement trying to violate me, because of this guy next door. Why don't you guys look at his fence? Look at his grass that he don't cut. I take care of my house. I've been there 23 years and I took it from a dump. I've had the cops at my house. I've sued him. I took him to court with a jury trial. And I won. I've been to court with this guy five times and I've won five times. I have an injunction against him now. Because he opens up his windows. He plays a 9-1-1 call from way back. I'm sorry. I just get carried away. I'm not getting fine to fix my house which is my right to do. I have rights."

Harry stated "We are still asking questions."

Chad asked "Any questions for Mr. Hendricks?"

Harry asked "I have one question. How long was the car and trailer parked at one time?"

Mr. Hendricks replied "Maybe 3-4 hours."

Harry asked "But it would go away at night."

Mr. Hendricks replied "Yeah. And then it would rain."

Harry said "I'm looking at that 36 consecutive hours."

Mr. Hendricks replied "Didn't come close."

Harry said "All right, that's the testimony we need."

Vicki said "I have a question Mr. Hendricks. Where do you store the trailer when it's not attached to your truck or in your driveway?"

Mr. Hendricks replied "It's in my driveway behind the gates."

Vicki asked "So it's in the backyard where it's legal. I just wanted that on the record."

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Mr. Hendricks replied "Believe me, I know better. I know the guy next door, this Mr. Pollock guy. Lives off his mother. But he's going back to court, believe me. I'm suing him again."

Chad said "We will hear from him. Mr. Pollock, are you on the phone or webinar?"

Mr. Pollock replied "Yeah."

Chad said "the floor is yours. Almost at the end of the agenda so we appreciate it if you keep it brief."

Mr. Pollock stated "Mr. Hendricks on June 11 and 12, Mr. Hendricks started parking his truck in the front yard. On the 13th at 8:00 in the morning he parked the trailer in the front yard. He moved to the truck after that. On the 14th, which was a Sunday, I made an online complaint to code enforcement that the trailer had been left there for more than 24 hours. I didn't check the online later on and a few days later and so there was nothing updated. On the 18th, I sent an email to Mr. Hutchinson asking for an update on that complaint. On the 18th was when they first went to inspect it. And actually I saw online there was a previous complaint made on the 12th. Somebody else made a complaint on the 12th. I made a complaint on the 14th and I followed up on the 18th with an email. That's when they first went to look at the actual property. On the 13th when he parked it in the front yard and my security camera is on my roof and captures that part of his yard. He parked it there and it was there until the 19th. On the 18th, after I contacted code enforcement in the morning, apparently, somebody contacted Mr. Hendricks and let them know there would be somebody coming by. He pulled the truck in front of the yard, in front of the trailer, but he did not attach it. There's security video. You can see there's a foot gap and he walks between the trailer and the truck. Then at 7:00 that evening, when he moves the truck, you can see he's not detaching the trailer or anything. On the 19th, the following day, he hooks up the truck and moves it to the west side of the yard out of view of my camera range. On the 23rd, he moves it back into the driveway. When it was parked on the west side of his yard on the 19th through 23, which was still a violation. But that was parked in the exact same place on the 13th until he moved to about 11:00 in the morning on the 19th. Because my security system is a fixed camera, can see the trailer doesn't move an inch. You can see that clearly. In the yard, I don't see him working on it. I saved those days from 8:00 a.m.-8 P.M., I let Mr. Hutchison know that I had those files available. He didn't get back to me. I sent him an email as far as specific dates and times and I mentioned to him before. Right now, Mr. Hendrix is perjuring himself I claiming that trailer was ever attached to the truck between the time he detached it on the 18th and reattached on the morning of the 19th. My security videos would show that but nobody wanted to pick some up. It has not moved from the 13th-19th and it was to illegally parked until the 23rd. Just to add extra, Mr. Hendrix is the one that has a \$6000 lien for having his junkyard. So he's actually bringing more junk into his backyard. He cleans up the front yard and he says no one

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cares about the backyard. He has tires, furniture, pots and pans.”

Chad asked “So it's your testimony the trailer sat in front of the house and did not for six days.”

Mr. Pollock said “From the 13th until the 19th it did not move. Until the 23rd, it was still parked illegally.”

Chad replied “But for those 6 days, the trailer did not move.”

Mr. Pollock stated “It was never attached to the truck.”

Chad replied “The trailer did not move.”

Mr. Pollock stated “It did not move during those six days.”

Mr. Hendricks replied “That is a lie.”

Chad replied “One moment, Mr. Hendricks. Question for staff. Was Mr. Pollock sworn in? Can we swear him and honor previous testimony?”

Charlie said “Let's swear him and ask him that previous is the truth. Mr. Pollock, you need to be sworn in.”

Margaret asked “Do you promise the testimony you are about to give is the truth, the whole truth and nothing but the truth, including the previous testimony?”

Mr. Pollock said “Yes. If necessary, I can bring the videos in and we can do this next month. If there's a fine being considered, I'm willing to take the time to do this. I've got the proof on video.”

Mr. Hendricks asked “Did you see the picture of his car parked on the grass? There's a picture I gave? He's complaining about me parking my trailer on the grass. I have a picture of him parking his car on the grass. I have a picture of his car. Not only that, you need to go to his house because he put two fence posts in without a permit and they are standing there right now. He feels like he can do anything he wants, what I've got to watch out when I'm doing landscaping. That's my right to live in my house without being harassed and badgered. And that's what that man is doing. He's not even a man, he's a mama's boy.”

Chad stated “The picture Mr. Hendrix is referring to is the Toyota Camry and a Honda Goldwing”

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Mr. Pollock replied "That's actually from July 2016 when my roof was being repaired and I had to move my vehicle so they could pull the truck next to the roof on the side of the house. And again, that was there for a few hours. But that's ridiculous to be compared to the parking violations that's been going on for 20 years now."

Chad said "Okay so the case before us is regarding 47. Just for everyone to understand the photo. Just illustrating the photo Mr. Hendricks was talking about."

Mr. Pollock said "and that was when they were working on my roof. You can see two people standing on the roof."

Chad asked "What's the desire of the board please? In other words, a motion."

Donald said "I'm confused as to whether or not it stayed there for 36 hours or not."

Mr. Pollock replied "I have video and I can bring it to you next month. You can see in person he is lying to you today. Isn't it worth showing he is perjuring himself in front of you guys, again. I can prove this was the videos. Let me come back next month."

Harry asked "You are saying your video shows the trailer has not been moved between the 13th and the 19th?"

Mr. Pollock replied "Correct."

Mr. Hendricks said "That is a lie."

Mr. Pollock also added "And you can see when he pulled the trailer up, when he pulls his truck to the trailer to park it on the 18th. He doesn't even attach it. And when Mr. Chayer took the photograph, he did it from the angle where you can't see the truck. Let me bring the security video and myself. Since I know now it's being treated as a repeat offense. I only happened to login because I thought maybe their way the rest would be a way to look at it online. In the one behold, I had no idea I could get involved with this online. Because of the critical nature of the perjury involved. This is perjury."

Robert stated "Just so the board is aware, Mr. Pollock was subpoenaed to be at this."

Chad asked "Mr. Pollock, did you receive a subpoena to be at this meeting?"

Mr. Pollock replied "Yes I did."

Chad asked "Why are you not adhering to the subpoena?"

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Mr. Pollock added "Mr. Hutchinson said I could do a virtual appearance. I sent an email asking for clarification and when I logged in today and saw this available, I signed in with my name under the case number."

Chad replied "Sir, you have been subpoenaed."

Charlie added "He has the right to appear virtually. I don't think we can hold him on not responding to subpoena."

Harry asked "Mr. Pollock, I have a question for you if you don't mind. Is your camera timestamps?"

Mr. Pollock stated "Dates and time stamped."

Harry asked "Can you tell me what the time was on June 18 when you started and what time you stopped on June 19?"

Mr. Pollock replied "I emailed Mr. Hutchinson those specific details. It's a specifically what day he pulled up the truck on the morning of the 18<sup>th</sup> at 8:32 am. And it was 7:06 P.M. that he moved to the truck. But it was never attached to the trailer. He walked between the truck of the trailer and you can see that in the video, in the security video."

Harry replied "What I'm hearing you say is about 8:32 A.M., you had it on the 18th on the 19th at 7:00 at night?"

Mr. Pollock said "No, sorry. Are you talking about the truck in front of the trailer or the trailer in the yard?"

Harry said "You said you had the trailer on the 13th, 18th and 19th. I was just trying to see what the times were."

Mr. Pollock said "I saved to the video from every single day from 8:00 a.m.-8 P.M. every single day. So you can pick a date and time. Look at the video and you'll see the trailer is in exactly the same position behind the mailbox in his front yard. The mailbox post acts as a reference. You can see the trailer has not moved at all. It's in the same place on the 13th as it is on the 19<sup>th</sup>"

Harry asked "What do you mean when you don't have video?"

Mr. Pollock replied "I don't bother saving it. It was too much capacity. It took 24 gigabytes to save from 8:00 a.m. to 8 P.M. alone."

Harry said "So from 8:00 pm to 8 am, you don't have it. Okay, thank you."

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Chad asked "Pete, you have a question for Charlie?"

Pete stated "it's about the evidence. You may have answered but primarily, there is video evidence we don't have. We are getting verbal evidence, he was sworn in virtually to tell the truth and so on. And then Harry asking questions about that timeframe. What we are doing is we are getting the information that's available if we continue the meeting. He can send it on a flash drive. Sounds like it's important to the case. That's my point."

Charlie stated "it's the county's case. If they want us to continue next month, that's fine. If they want to wait for a flash drive, that's fine. We don't ask for evidence. If the evidence is insufficient, we dismiss the case."

Chad said "So now the chair will entertain a motion and we will go from here. Thank you for your testimony."

Mr. Hendricks asked "may I say one more thing before you pass judgment?"

Chad replied "One sentence."

Mr. Hendricks said "There were times when I backed my truck up to the other side of the property. I've got a load of dirt. You can see where that white stone is on that picture. I'm going to put pavers in there because Maggie told me I can't park a field with you unless I put cement or pavers. I shoveled some into the trailer. Give me a break."

Harry said "I will move in the case that is the result of testimony and other evidence provided today. Specifically, that we don't have the finding of more than 36 hours at one time that we Dismiss."

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order of Dismissal for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C)**. After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote

July 15, 2020

## Requests for Discussion of Accumulated Fines

**CEB2019185- Naab Darlene Romelle Prograde Homes Inc.**

**Served**

Complaint No. 20181102007

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

Property Location: 1469 E Euclid Ave, Deland 32724

**Parcel No. 70150000210**

**Zoning: R-4**

**Code Compliance Officer – Margaret Godfrey**

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

\*Order of Non-Compliance issued at the August 21, 2019 hearing:

\*Final Order Imposing Fine Lien issued at the September 18, 2019 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of April 28, 2020:

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

**Request for Discussion of Fine/Lien of \$6,600.00**

Brian Blake, property owner, was present for the hearing of this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details and showing photos of the property.

Mr. Blake said that the fines were accumulated from the previous owner. Since he has had the property he has been cleaning it up.

Margaret did state that there was a Stop work order posted on Jan 23 because they were doing all kinds of stuff without permits. There was never a case brought up as they got permits.

Mr. Blake stated he would like the fine reduced to at least 90 percent.

Pete asked if when the violations they received for the work without permits was handled quickly.

Margaret said yes

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to reduce the fine to \$1,000.00 dollars payable within 30 days and issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances , CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote

July 15, 2020

- 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 12:40 pm.**

**Respectfully submitted,**

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

July 15, 2020

**CERTIFICATE**

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

**I, Ramona Jones, Code Enforcement Board Clerk, do hereby certify that the foregoing pages constitute a true and accurate transcript of the minutes of the Volusia County Code Enforcement Board taken on July 22, 2020, at 123 West Indiana Avenue, Deland, Florida.**

**WITNESS MY HAND this 22nd day of July, 2020, in the City of DeLand, County of Volusia, State of Florida.**

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**Ramona Jones  
Code Board Clerk**

July 15, 2020