



**VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES**

**July 21, 2021**

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

**MEMBERS PRESENT**

**Chad Lingenfelter, Chair  
Andrew Hall, Vice-Chair  
Clement Nadeau  
Donald Needham  
Pete Zahn  
Rick Dwyer  
Charles Cino, Board Attorney**

**MEMBERS ABSENT**

**Vikki Leonard**

**STAFF PRESENT**

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

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

**APPROVAL OF MINUTES**

**Member Zahn moved to approve the minutes from the June 16, 2021 hearing. Member Needham seconded the motion which carried unanimously by voice votes.**

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

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

July 21, 2021

## IX. Unfinished Business

### **CEB2015057 - JONES EDISON DWAYNE, MOORE, EDRY GAMAL ANWAR & OUTERBRIDGE LESA** **Posted**

Complaint No. 20150127003

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: 700 Grand Plaza Dr, Orange City 32763

**Parcel No. 801420060070** **Zoning: PUD**

**Code Compliance Officer – Margaret Godfrey**

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

\*Order of Non - Compliance issued at the July 15, 2015 hearing:

\*Final Order Imposing Fine Lien issued at the August 19, 2015 hearing:

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

#### **Order of Compliance**

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

### **CEB2016100 - GRENIER ADAM W**

**Served**

Complaint No. 20150112017

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

Property Location: 148 Seminole Dr, Ormond Beach 32174

**Parcel No. 423003000210** **Zoning: R-4**

**Code Compliance Officer – Margaret Godfrey**

Property owner was first notified of the violation on Feb 12, 2015

\*Order of Non - Compliance issued at the July 20, 2016 hearing:

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

\*Final Order Imposing Fine Lien issued at the November 16, 2016 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of June 16, 2021:

#### **Order of Compliance**

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

### **CEB2021073 - GIEHL DONALD G**

**Posted**

July 21, 2021

Complaint No. 20210121060

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

Property Location: 116 Hibiscus Rd, Edgewater 32141

**Parcel No. 841305002282**

**Zoning: R-4W**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on Feb 25, 2021

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

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

**Order of Compliance**

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

**CEB2021074 - GIEHL DONALD G**

**Posted**

Complaint No. 20210121061

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

Property Location: 116 Hibiscus Rd, Edgewater 32141

**Parcel No. 841305002282**

**Zoning: R-4W**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on Feb 25, 2021

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

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

**Order of Compliance**

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

**CEB2020083 – Roger Lee & Kimberly Perkins**

**Served**

Complaint No. 20200131015

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

Property Location: 1246 Mcglon Rd, Seville 32180

**Parcel No. 481000000250**

**Zoning: A-1**

**Code Compliance Officer - Isiah Pitts**

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

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

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

\*A Report and Affidavit of Compliance was submitted with a compliance date of June 30, 2021:

**Order of Compliance**

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

**CEB2019137 - TROPICAL HAMMOCK INC**

**Posted**

Complaint No. 20190329008

July 21, 2021

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Building permits for RV hook ups and dock cover

Property Location: 1485 Lakeview Dr., Deland 32720

**Parcel No. 792404000050                      Zoning: B-7**

**Code Compliance Officer – Margaret Godfrey**

Property owner was first notified of the violation on Apr 24, 2019

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

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

\*1st Amended Order of Non-Compliance issued at the October 16, 2019 hearing:

\*2nd Amended Order of Non-Compliance issued at the December 18, 2019 hearing:

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

\*4th Amended Order of Non-Compliance issued at the August 19, 2020 hearing:

\*5th Amended Order of Non-Compliance issued at the January 20, 2021 hearing:

\*6th Amended Order of Non-Compliance issued at the March 17, 2021 hearing:

**Hearing to Impose Fine/Lien**

Mike Woods from Cobb/Cole and Aaron Moore from CPH Engineering were present at the hearing for this case.

Margaret Godfrey, code compliance, and Julie McCrystal, Environmental Specialist, presented the 3 cases together. Margaret went over the case details, showing photos.

Mr. Woods stated that there was a meeting in the beginning of July with all the relevant departments and a memo was submitted outlining all of our tasks. Mr. Woods also added that they have submitted an amendment for the PUD to rezone the property, to effectively take a snapshot of what's out there and that it should address any possible set back issues. Mr. Woods said the first hearing with the planning board would be September 16<sup>th</sup> and they are likely to have approval from County Council in November.

Chairman Lingenfelter asked Margaret and Julie if there was anything else they needed to add and Margaret said no.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 7th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the November 17, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2019215 - TROPICAL HAMMOCK INC**

**Served**

Complaint No. 20190703037

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE

July 21, 2021



(Barns, sheds

Property Location: 1325 Pell Rd, Osteen 32764

**Parcel No. 83300000160**

**Zoning: A-1**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Oct 2, 2019

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

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

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

**Hearing to Impose Fine/Lien**

Nika Hosseini from Cobb/Cole was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the 2 cases together. Margaret went over the case details, showing photos. Margaret said we have building cases that were done separately and that we set those out to September. Margaret added these cases were scheduled for today and we want to even it all up and bring them back in September with the others. Chairmen Lingenfelter asked Ms. Hosseini if she was okay with that and she said yes.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277, with a Hearing to Impose Fine set for the September 15, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020186 - KNIGHT TERRY JR**

**Served**

Complaint No. 20200904002

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Use where not permitted (Wedding venue on A-1 zoned property)

Property Location: 1325 Pell Rd, Osteen 32764

**Parcel No. 83300000160**

**Zoning: A-1**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on 9-24-20

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

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

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

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241, with a Hearing to Impose Fine set for the September 15, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020042 - COLLINS BRIAN M**

**Served**

Complaint No. 20191007032

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

July 21, 2021

Property Location: 460 Guise Rd, Osteen 32764

**Parcel No. 92160000410**

**Zoning: A-1**

**Code Compliance Coordinator - Margaret Godfrey**

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

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

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

\*2nd Amended Order of Non-Compliance issued at the June 16, 2021 hearing:

**Hearing to Impose Fine/Lien**

Shane Boutty from The Boutty Law Firm was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret said that a couple of days ago an after the fact permit was submitted and it is still in application status. Margaret also added this was for a house built without permits and she was recommending another amended order to September just to keep progress.

Mr. Boutty said that Margaret gave a good summary. Chairman Lingenfelter asked if he was good with coming back in September and Mr. Boutty said yes.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277, with a Hearing to Impose Fine set for the September 15, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020085 - WIRTH DAVID & BOBBI**

**Served**

Complaint No. 20200122010

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). Barn Structure

Property Location: 1441 S Us Hwy 1, Oak Hill 32759

July 21, 2021

**Parcel No. 944302000025**

**Zoning: A-1W**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Mar 13, 2020

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

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

**Hearing to Impose Fine/Lien**

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

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated that a variance pre application was submitted for the new construction but nothing has been responded to. Margaret stated that we gave additional time as she was told the owner hired an attorney but have not heard from anyone since.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day commencing August 19, 2021 and to continue until compliance is achieved, but not to exceed \$25,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2020098 - FERGUSON MICHAEL A & DONNA S**

**Served**

Complaint No. 20191230002

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). 2 accessory structures that are misc improvements but no sign of a permit.

There are also deck and porch improvements

Property Location: 6180 Winning Wood Tr, Deleon Springs 32130

July 21, 2021



**Parcel No. 592600000180**

**Zoning: FR (4)**

**Code Compliance Officer - Peter Hinson**

Property owner was first notified of the violation on

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

\*1st Amended Order of Non-Compliance issued at the May 19, 2021 hearing:

**Hearing to Impose Fine/Lien**

Donna Ferguson was present at the hearing for this case.

Peter Hinson, code compliance, presented the case. Peter went over the case details, showing photos. Peter said that he received communication that Efird Surveying Group was doing the survey and were to be completed July 5<sup>th</sup> and the survey could be picked up once they are paid for. Mrs. Ferguson said the only problem is finances at the moment and they are trying to get this resolved.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the August 18, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020140 - HANSON CHARLES E**

**Served**

Complaint No. 20200519048

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

Property Location: 5301 Michelle Dr., Deleon Springs 32130

**Parcel No. 600700000490**

**Zoning: A-1A,A-3A**

**Code Compliance Officer - Isiah Pitts**

July 21, 2021

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

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

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

\*2nd Amended Order of Non-Compliance issued at the May 19, 2021 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of July 20, 2021:

**Hearing to Impose Fine/Lien Order of Compliance**

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

**CEB2020149 - OVERLAND CAPITAL TRUST / LOVETT JAY TR                      Served**

Complaint No. 20200619044

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

Property Location: 1220 Elizabeth St, New Smyrna Beach 32168

**Parcel No. 743004020180**

**Zoning: R-3A**

July 21, 2021

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Jul 06, 2020

\*Order of Non-Compliance issued at the June 16, 2021 hearing:

**Hearing to Impose Fine/Lien**

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

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret said the permit has been reopened and valid until July 31<sup>st</sup>.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the August 18, 2021 hearing.** After Member Hall **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020175 - DOWD LINDA C**

**Served**

Complaint No. 20200415002

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

Property Location: 1215 Avenue E, Ormond Beach 32174

**Parcel No. 422901140010**

**Zoning: MH-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Jun 18, 2020

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

**Hearing to Impose Fine/Lien**

July 21, 2021

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

Robert Chayer, code compliance, presented the 4 cases together. Robert went over the case details, showing photos. Robert said the owner is working at getting the property into compliance and showed photos of the progress. Robert added there is a permit for the shed in Plans Review as well.

After discussion and based on the testimony and evidence presented, Member Hall **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 7 SECTION 72-241, with a Hearing to Impose Fine set for the October 20, 2021 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020176 - DOWD LINDA C**

**Served**

Complaint No. 20200415001

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: 1215 Avenue E, Ormond Beach 32174

**Parcel No. 422901140010**

**Zoning: MH-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Jun 18, 2020

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

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, Chapter 58, Health & Sanitation SEC. 58-36, with a Hearing to Impose Fine set for the October 20, 2021 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2021048 - DOWD LINDA C**

**Served**

Complaint No. 20200415004

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). Shed

Property Location: 1215 Avenue E, Ormond Beach 32174

**Parcel No. 422901140010**

**Zoning: MH-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on June 18, 2020

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

**Hearing to Impose Fine/Lien**

July 21, 2021

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the October 20, 2021 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2021049 - DOWD LINDA C**

**Served**

Complaint No. 20200611047

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

Property Location: 1215 Avenue E, Ormond Beach 32174

**Parcel No. 422901140010**

**Zoning: MH-5**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on June 18, 2020

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

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Hall **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 72-287 (C), with a Hearing to Impose Fine set for the October 20, 2021 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020231 - BALKAM LLC**

**Served**

Complaint No. 20190514006

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

Property Location: 3630 W Intl Speedway Blvd, Daytona Beach 32124

**Parcel No. 620601420050**

**Zoning: I-1C (5) A**

**Environmental Specialist II - Todd Hannah**

Property owner was first notified of the violation on 9-28-20

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

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

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

July 21, 2021

### **Hearing to Impose Fine/Lien**

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

Julie McCrystal, Environmental Specialist, presented the 2 cases together in Todd's absence. Julie went over the case details, showing photos. Julie stated in June, the Saint Johns River Water Management District approved the wetland line and we're now waiting for the engineer to finish the plans.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2), with a Hearing to Impose Fine set for the September 15, 2021 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

### **CEB2020241 - BALKAM LLC**

**Served**

Complaint No. 20201005017

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

Property Location: 3630 W Intl Speedway Blvd, Daytona Beach 32124

**Parcel No. 620601420050**

**Zoning: I-1C (5) A**

**Environmental Specialist II - Todd Hannah**

Property owner was first notified of the violation on 10-7-20

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

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

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

### **Hearing to Impose Fine/Lien**

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

### **CEB2020234 - GREAT DELIVERANCE PENTECOSTAL**

**Served**

Complaint No. 20191105032

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: 425 W Lisbon Pkwy, Deland 32720

**Parcel No. 702007020600**

**Zoning: R-5**

**Code Compliance Coordinator - Margaret Godfrey**

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

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

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

\*2nd Amended Order of Non-Compliance issued at the May 19, 2021 hearing:

### **Hearing to Impose Fine/Lien**

July 21, 2021

Mavis Williams was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret said the property was posted with the Unsafe/Dilapidated sticker and Tom Legler recommends this to go to CLCA. Margaret added that she has had conversations with Mrs. Williams and she is still battling the insurance company. Margaret said her recommendation is an Order Imposing fine lien to begin in September. Chairman Lingenfelter asked if we send it to CLCA then we wouldn't start fines. Margaret said No and that Tom Legler recommended it go to CLCA.

Chairman Lingenfelter asked Mrs. Williams how things were going with the insurance company. Mrs. Williams said she was just asked to send in receipts from when she had the trees removed, she has sent them and she is still waiting to hear from them. Mrs. Williams believes the Insurance Company is a scam, they take her money and now that they need help the insurance company doesn't want to help. Margaret said she was changing her recommendation to dismiss and send the case to CLCA. Chairman Lingenfelter asked Mrs. Williams what her desire is for the property. Mrs. Williams said she wants the building repaired. Chairman Lingenfelter said once you get notice of the CLCA meeting you will have an opportunity to plead your case and possibly get more time.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance/Order of Dismissal and to be referred to the CLCA Board for violation of Volusia County Code of Ordinances CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2020243 - PITTMAN JOSEPH E & SHARON M**

**Posted**

Complaint No. 20200207031

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

Property Location: 8260 Baxter Point North, Mims 32754

**Parcel No. 133601000020**

**Zoning: A-1**

**Code Compliance Coordinator - Margaret Godfrey**

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

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

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

**Hearing to Impose Fine/Lien**

Sharon Pittman and Charlotte, Daughter, were present via Webinar at the hearing for this

July 21, 2021

case.

Margaret Godfrey, code compliance, presented the 4 cases together. Margaret went over the case details, showing photos. Margaret said the last time she got out there was on June 28<sup>th</sup> and that she was trying to get out there again but hasn't had time. Margaret added there was health issues and that they are making a lot of progress. Chairman Lingenfelter asked Charlotte if they were good with Margaret's recommendation of giving more time. Charlotte said that would be great.

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

**CEB2020244 - PITTMAN JOSEPH E & SHARON M**

**Posted**

Complaint No. 20200615045

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 Vehicle(s) that is inoperative and/or without current state license tag

Property Location: 8260 Baxter Point North, Mims 32754

**Parcel No. 133601000020**

**Zoning: A-1**

**Code Compliance Coordinator - Margaret Godfrey**

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

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

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

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34, with a Hearing to Impose Fine set for the September 15, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020245 - PITTMAN JOSEPH E & SHARON M**

**Posted**

Complaint No. 20200615047

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Accessory use or structure: Any use or detached structure clearly incidental, subordinate and related to the principal use or structure and located on the same lot with such principal use or structure. Provided however, a recreational vehicle; motor vehicle; mobile home; trailer or semi-trailer; railroad car; bus, truck or automobile body, or other similar unit shall not be used as an accessory structure or converted into an accessory structure even when altered, stripped or otherwise rebuilt.

Property Location: 8260 Baxter Point North, Mims 32754

**Parcel No. 133601000020**

**Zoning: A-1**

**Code Compliance Coordinator - Margaret Godfrey**

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

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

July 21, 2021



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

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241, with a Hearing to Impose Fine set for the September 15, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020246 - PITTMAN JOSEPH E & SHARON M**

**Posted**

Complaint No. 20200615046

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

Property Location: 8260 Baxter Point North, Mims 32754

**Parcel No. 133601000020**

**Zoning: A-1**

**Code Compliance Coordinator - Margaret Godfrey**

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

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

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

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287(B), with a Hearing to Impose Fine set for the September 15, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020258 - Spa 2 LLC**

**Posted**

Complaint No. 20191011011

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

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

**Parcel No. 323411020100**

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

**Code Compliance Officer - Robert Chayer**

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

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

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

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

\*3rd Amended Order of Non-Compliance issued at the June 16, 2021 hearing:

**Hearing to Impose Fine/Lien**

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

Robert Chayer, code compliance, presented the 3 cases together. Robert went over the July 21, 2021

case details, showing photos. Robert said his last inspection was July 6<sup>th</sup>, he added that the underpinning permit has been finalized and an email was sent asking for a timeline on when things will be done. Robert stated they are still showing some progress.

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an 4th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE, with a Hearing to Impose Fine set for the October 20, 2021 hearing.** After Member Hall **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020271 - Spa 2 LLC**

**Posted**

Complaint No. 20201106011

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

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

**Parcel No. 323411020100**

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

**Code Compliance Officer - Robert Chayer**

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

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

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

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

\*3rd Amended Order of Non-Compliance issued at the June 16, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an 4th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the October 20, 2021 hearing.** After Member Hall **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020272 - Spa 2 LLC**

**Posted**

Complaint No. 20201106015

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

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

**Parcel No. 323411020100**

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

**Code Compliance Officer - Robert Chayer**

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

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

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

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

\*3rd Amended Order of Non-Compliance issued at the June 16, 2021 hearing:

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an 4th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the October July 21, 2021**

**20, 2021 hearing.** After Member Hall **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2020283 - HOYT BRYAN**

**Posted**

Complaint No. 20201008009

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

Property Location: Herin Dr., New Smyrna Beach 32168

**Parcel No. 72300000580                      Zoning: A-1**

**Zoning Compliance Officer - Debbie Zechnowitz**

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

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

\*1st Amended Order of Non-Compliance issued at the May 19, 2021 hearing:

**Hearing to Impose Fine/Lien**

Bryan Hoyt was present at the hearing for this case.

Debbie Zechnowitz, code compliance, presented the case. Debbie went over the case details, showing photos. Debbie stated there was an email submitted by Bonnie King with her complaint. Debbie stated the property still looks the same.

Mr. Hoyt said that the survey is going to be complete today, he also stated that the boundary lines and wetland issues will be resolved. Mr. Hoyt said that he is real close to

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obtaining a building permit to put a home on the property. Chairman Lingenfelter said that the recommendation is for fines to start in August and if the permit application is in the fines may be able to be pushed out. Sebrina Slack said that he cannot stay on the property. He needs to remove himself to a campground until the principal structure is built. Mr. Hoyt said that he cannot afford a campground as he has been using all his money in getting surveys. Member Zahn asked if there was a building permit and a house under construction would he be able to stay there. Sebrina Slack said he would need a special exception for that. Member Zahn explained that if the fines start and accumulate that he could always come back and ask for a reduction once he is in compliance. Chairman Lingenfelter added that there is an opportunity to come back in front of the Board on August 18<sup>th</sup> to show his progress, but regardless you can't come into compliance without moving off the property.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing August 19, 2021 and to continue until compliance is achieved, but not to exceed \$1,400.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2020300 - VAN BENTHUYSEN DENNIS R**

**Served**

Complaint No. 20200924012

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

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

**Parcel No. 322125002040**

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

**Code Compliance Officer - Robert Chayer**

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

\*Order of Non-Compliance issued at the June 16, 2021 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of July 20, 2021:

**Hearing to Impose Fine/Lien Order of Compliance**

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

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**CEB2021001 - 2728 W NEW YORK AVE LLC**

**Served**

Complaint No. 20201021015

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Commercial interior / exterior construction. Construction of new accessory structure; Interior office/showroom build-out; Framing; Siding; Roofing; Building, Plumbing, Mechanical, Electrical – permitting required. May not be a complete list.

Property Location: 2728 W SR 44, Deland 32720

**Parcel No. 791402000090**

**Zoning: B-4C**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Nov 06, 2020

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

**Hearing to Impose Fine/Lien**

Giovanni Varsi, General Contractor, was present at the hearing for this case.

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated his last inspection showed they pulled a permit and it is still in review. Kerry Leuzinger said there are several items that need to be addressed and

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there may need to be a lot combination. Chairman Lingenfelter asked if Mr. Varsi submitted the permit application and Mr. Varsi said yes.

Mr. Varsi said that he was here for the last meeting and the situation is the same and it has been 8 weeks and the permit is still in the review status. Chris Hutchison said that staff has reviewed the permit and there was additional information needed. Mr. Varsi said that that was responded too by his engineer. Staff said no they have not received anything. Mr. Varsi said he would go back and check as he was told everything was submitted. Scott Ashley added there are issues with the parcels and the building size. Kerry Leuzinger gave a copy of the list of issues to Mr. Varsi.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing August 19, 2021 and to continue until compliance is achieved for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021013 - Dollard Robert Louis IV**

**Posted**

Complaint No. 20200430030

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

Property Location: 1475 Kettledrum Tr, Enterprise 32725

**Parcel No. 910805000640**

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

**Code Compliance Officer - Isiah Pitts**

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

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

\*1st Amended Order of Non-Compliance issued at the June 16, 2021 hearing:

**Hearing to Impose Fine/Lien**

Robert Dollard was present via Webinar at the hearing for this case.

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah said the fence was finalized and there is a permit for the metal roof over the pool. Isiah added that we do want to work with the resident and give time for compliance.

Mr. Dollard said that he just received the drawings from the Engineer this morning. Chairman Lingenfelter asked if September would be a good time frame to get things completed and Mr. Dollard said yes.

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

**CEB2021036 -B & B UNDERGROUND & DRILLING INC**

**Served**

Complaint No. 20200823002

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

Property Location: 1297 Duroc Dr., Lake Helen 32744

**Parcel No. 71320000090**

**Zoning: 999, A-1, A-2**

**Environmental Specialist II – Julie McCrystal**

Property owner was first notified of the violation on 2-16-21

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

**Hearing to Impose Fine/Lien**

Lee Bennett and Consultant David Holly were present at the hearing for this case.

Julie McCrystal, Environmental Specialist, presented the case. Julie went over the case details, showing photos. Julie said the wetland lines were verified by DEP and showed photos with what they are planning to do. DEP found no wetland violation. Julie said on July 7<sup>th</sup> she sent an email outlining the remaining steps. Chairman Lingenfelter asked if there were areas with some grading that was impacted. Julie said yes there was fill brought into the buffer area and also added that this was not caused by the current owner. Julie said that we need a Wetland Alteration permit and a planting plan.

Mr. Holly asked if they are not coming in for a structure or building permit, what the next steps are. Julie said regardless you would still need the Wetland Alteration Permit and

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to restore any impact to the buffer. Mr. Holly said we haven't received to date any quantification of an impact or an alleged impact to the buffer. Julie explained the he as the consultant would need to go in there and determine where the 25 foot buffer is and then submit that along with a planting plan. Mr. Holly said that it is just grass. Julie said that yes but in the past it had been filled and allowed to fill in with grass. Mr. Holly added that another issue is that this was done in the past by another owner. Member Zahn said the problem is, it runs with the land and that we get all kinds of cases where home owners didn't do it. Chairman Lingenfelter said that it is his role to identify the area in the buffer that may have been impacted. Mr. Holly said he could have this done in 30 days.

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 III, DIVISION 11 SECTION 72-884, with a Hearing to Impose Fine set for the September 15, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2021054 - WOOTON THOMAS MITCHEL**

**Posted**

Complaint No. 20201125018

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: 180 Mae St, Oak Hill 32759

**Parcel No. 950600011330**

**Zoning: MH-5**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on 2-26-21

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

**Hearing to Impose Fine/Lien**

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

Fred Eastwood, code compliance, presented the 2 cases together. Fred went over the case details, showing photos. Fred stated his last inspection was July 14th there has been no change in the property and more things have been brought in.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing August 19, 2021 and to continue until compliance is achieved, but not to exceed \$1,500.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES Chapter 58, Health & Sanitation SEC. 58-36.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice July 21, 2021



vote.

**CEB2021082 - WOOTON THOMAS MITCHEL**

**Posted**

Complaint No. 20210122038

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

Property Location: 180 Mae St, Oak Hill 32759

**Parcel No. 950600011330**

**Zoning: MH-5**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on Feb 04, 2021

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

**Hearing to Impose Fine/Lien**

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing August 19, 2021 and to continue until compliance is achieved, but not to exceed \$1,500.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021057 – Tangerine Inn, Woodland Trust, Hoffmann Frederick Tr** **Served**

Complaint No. 20200731019

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation or remodel with no evidence of required permits / inspections or approvals. Construction without permits and inspections; unsafe electrical wiring, circuits and devices. O.H. Garage door; Windows; Roof framing, sheathing, roofing; Plumbing; May not be a complete list.

Property Location: 3870 N Us Hwy 17, Deland 32720

**Parcel No. 601903000240**

**Zoning: B-4CA**

**Code Compliance Officer - Robert Chayer**

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

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

**Hearing to Impose Fine/Lien**

Frederick Hoffmann was present at the hearing for this case.

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert said he has not had any real contact with the owner. Robert said there is a Permit in plans review and expires in November 2021. The Building Department has asked for updates and comments regarding the permit and they haven't received a response. Mr. Hoffman said there has been a lot of response, he has communicated with Eric Gebo the building plan reviewer and Dan Decker the Fire plan reviewer. Mark Armon the contractor has been dealing with this, he said Eric wanted an engineer because some of the windows and air conditioner got done. Mr. Hoffmann also stated he is working with July 21, 2021

the Health Department for the septic issues. Chairman Lingenfelter said that what he is gathering from staff is there have been no responses. Mr. Hoffmann said he has given everything to Mark, it was suggested that Mr. Hoffmann make sure the information is submitted. Kerry Leuzinger came up and said as of today we have not received any information.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the September 15, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

**CEB2021072 - HOCQUARD AXEL G II**

**Served**

Complaint No. 20201210020

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

Property Location: 108 Douglas St, Edgewater 32141

**Parcel No. 853809003760**

**Zoning: MH-5W**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on Feb 24, 2021

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

**Hearing to Impose Fine/Lien**

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

Fred Eastwood, code compliance, presented the case. Fred went over the case details, showing photos. Fred said he was notified yesterday to go back for an inspection and all the junk that was back there is no longer there but is now in 2 piles on the side of the road. Fred said he wants to give more time as the owner is now showing progress.

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 7 SECTION 72-241, with a Hearing to Impose Fine set for the August 18, 2021 hearing.** After Member Hall **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

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**CEB2021097 – ZARCONE PETER**

**Served**

Complaint No. 20210129034

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

Property Location: 109 Toronita Ave, Port Orange 32127

**Parcel No. 631202000030**

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

**Zoning Compliance Officer - Debbie Zechnowitz**

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

\*Order of Non-Compliance issued at the June 16, 2021 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of July 16, 2021:

**Hearing to Impose Fine/Lien Order of Compliance**

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

**CEB2021098 - ZARCONE PETER**

**Served**

Complaint No. 20210129031

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

Property Location: 109 Toronita Ave, Port Orange 32127

**Parcel No. 631202000030**

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

**Zoning Compliance Officer - Debbie Zechnowitz**

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

\*Order of Non-Compliance issued at the June 16, 2021 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of July 16, 2021:

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**Hearing to Impose Fine/Lien Order of Compliance**

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

**CEB2021118 - RATHBURN WAYNE A**

**Served**

Complaint No. 20210429006

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

Property Location: Central Pkwy, Deland 32724

**Parcel No. 700103380340**

**Zoning: R-4A**

**Code Compliance Coordinator - Margaret Godfrey**

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

\*Order of Non-Compliance issued at the June 16, 2021 hearing:

**Hearing to Impose Fine/Lien**

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

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated she has no contact with the owner and the cited conditions remain unchanged and the building is still there. Chairman Lingenfelter asked if there used to be a principal structure and Margaret stated No and the Property Appraiser has it listed as a vacant lot.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day commencing August 19, 2021 and to continue until compliance is achieved, but not to exceed \$5,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(1) (C)**. After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021139 – MIGUEL A RAMOS & SUNNI A MILO**

**Served**

Complaint No. 20201020045

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

Property Location: 435 Seminole Ave, Lake Helen 32744

**Parcel No. 810506030111**

**Zoning: R-4**

**Code Compliance Officer - Isiah Pitts**

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

\*Order of Non-Compliance issued at the June 16, 2021 hearing:

**Hearing to Impose Fine/Lien**

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

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated the property has a permit issued for the roof. Isiah also said there is an exterior vinyl sliding replacement that is under plans review.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing August 19, 2021 and to continue until compliance is achieved, but not to exceed \$7,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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

### **CEB2020249 - WOLF DANNA**

**Served**

Complaint No. 20200107047

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: 1725 Hope Dr., Ormond Beach 32174

**Parcel No. 423317010320                      Zoning: R-5**

**Code Compliance Officer - Robert Chayer**

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

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

Robert Chayer, Code Compliance presented the case. Robert went over the case details, showing photos. Robert stated his last inspection was on July 6<sup>th</sup> and that the fence is 6 foot in height on a corner lot. Robert stated he has been back and forth with the owner who got an after the fact permit which expired on July 19<sup>th</sup>. Robert added a variance was scheduled but for whatever reason she never made it to the meeting and contact stopped. Chairman Lingenfelter asked if she was seeking a variance for the height and Robert said yes.

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 6, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021017 - CARUSO ARMAND**

**Served**

Complaint No. 20181011049

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 Vehicle(s) that is inoperative and/or without current state license tag

Property Location: 1374 Taylor Ave, Daytona Beach 32117

**Parcel No. 423313000041**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Oct 15, 2018

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

Robert Chayer, Code Compliance presented the 5 cases together. Robert went over the case details, showing photos. Robert stated his last inspection was on July 6<sup>th</sup> and the property remains the same. Robert showed photos that show all the stuff on the property. Robert stated that Peter Hinson was there on the 12<sup>th</sup> to get pictures and the person living in the RV turned a dog loose on him. Robert stated that the issues have been going on for a while.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 With a compliance date of August 6, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021018 - CARUSO ARMAND**

**Served**

Complaint No. 20181011051

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

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Property Location: 1374 Taylor Ave, Daytona Beach 32117

**Parcel No. 423313000041**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Oct 15, 2018

After discussion and based on the testimony and evidence presented, Member Hall **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 6, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021019 - CARUSO ARMAND**

**Served**

Complaint No. 20181011052

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: 1374 Taylor Ave, Daytona Beach 32117

**Parcel No. 423313000041**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Oct 15, 2018

After discussion and based on the testimony and evidence presented, Member Hall **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 6, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021020 - CARUSO ARMAND**

**Served**

Complaint No. 20181011053

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

Property Location: 1374 Taylor Ave, Daytona Beach 32117

**Parcel No. 423313000041**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Oct 15, 2018

After discussion and based on the testimony and evidence presented, Member Hall **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 6, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021021 - CARUSO ARMAND**

**Served**

Complaint No. 20190613019

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

Property Location: 1374 Taylor Ave, Daytona Beach 32117

**Parcel No. 423313000041                      Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

Property owner was first notified of the violation on Jun 24, 2019

After discussion and based on the testimony and evidence presented, Member Hall

**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 6, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice

vote.

**CEB2021029 - EDMONDS THOMAS EST**

**Served**

Complaint No. 20201001031

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: 369 Park Dr., Deland 32724

**Parcel No. 602803000240                      Zoning: MH-5A**

**Code Compliance Officer - Peter Hinson**

Property owner was first notified of the violation on Oct 1, 2020

Richard Edmonds was present via Webinar at the hearing for this case.

Peter Hinson, Code Compliance presented the case. Peter went over the case details, showing photos. Peter stated that Thomas Edmonds passed away in March 2013 and that his son Robert Edmonds was handling the issues and that Richard Edmonds is his son. Peter said that they live in Canada and with the restrictions due to Covid they are unable to come here. Peter stated that Richard has been making sure the yard is maintained. Peter said that the mobile home is still in disrepair, he added there is no electric. Peter also noted that he has good communication with Richard.

Richard said that his brother in law is here in Deland and was looking for someone to keep the property maintained. Richard said that the ultimate goal of the family is to liquidate the asset and try to sell it, he added his mother has been in contact with a realtor that is potentially interested in purchasing the property. Richard said there are limitations in regards to International Travel so they have not been able to get down here. Chairman Lingenfelter said to cure the violation the mobile home and possibly the shed would have to go away or the substantial repairs would need to be made.

Chairman Lingenfelter also explained that if the property sells the new owners would inherit the violations. Richard asked if the home was boarded up and secured if that would clear the violation. Peter said that it looks like the roof is caving in. Chairman Lingenfelter told Richard to continue working with Peter on getting the property secured.

After discussion and based on the testimony and evidence presented, Member Zahn  
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**MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE With a compliance date of August 14, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021044 - Clayton Benio**

**Served**

Complaint No. 20200522046

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

Property Location: 5040 Commerce Ave, Deleon Springs 32130

**Parcel No. 694301150130**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

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

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

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

\*The Board continued this case from the June 16, 2021 hearing:

Michael Kelton, Attorney, was present at the hearing for this case.

Robert Chayer, Code Compliance presented the 3 cases together. Robert went over the case details, showing photos. Robert stated he is not sure where the boundaries are on the property so the sign may be in the Right of Way. Robert said the fence is on a corner in the front yard, the fence is too tall for standards and there is no permits for it. Chairman Lingenfelter asked if the fence was up for block traffic noise. Mr. Kelton said he thinks it is a buffer for the house from the traffic. Robert stated the cases were being brought to the Board because the zoning issues, whether the property is zoned B4 or residential, what it is now, the violation will still exist.

Mr. Kelton stated based on the definition of the ordinance for the fence, which defines as something that encloses the boundary. What is on the property is lifted off the ground and it really just covers that corner and it is part of the landscaping, it is a landscaping trellis, it is not intended to confine the property or keep anybody out.

Sebrina Slack read the definition for 72-2 which states a barrier usually comprised of wooden or metal post rails. Or wire mesh used as a boundary marker or means of protection or confinement. Mr. Kelton said yes this is not confinement, it's not on the boundary, and it is set in from the boundary, so this doesn't meet the definition of Fence. Member Zahn said it looks like it is not necessarily on the perimeter of the property, but, it looks like it goes pretty much from A to B to C along a confining, perimeter, let's say, without a site plan, to see what it is, or a landscape plan that shows it to be something else. Member Zahn added that so many things are structures and as

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a structure it would require permits and in his opinion it looks like a fence. Chairman Lingenfelter asked why it is a trellis and not a fence. Mr. Kelton said because a fence would be used a boundary marker, this is not a boundary and only covers one quarter of the property. It is on a small stretch on one side then comes to a 90 degree angle on the other side and does not run the entire two ends, it is limited to a corner.

Sebrina Slack stated you have to take the entire definition in context, and as Mr. Kelton actually stated in his opening statement, he said the fence was potentially erected to protect from traffic areas. So this actually does meet the definition of a fence, which clearly says, or means of protection or confinement. Sebrina Slack added He actually stated in his opening that it was to protect the home from the traffic on the corner there of Commerce and what the cross street was. And, you know, as far as marking the boundary, that it's not the legal definition of a boundary. It can be as most fences are, set off of your legal boundaries. They're typically offset, it marks any sort of depth. It defines an area, that's the common sense of the word boundary, not the legal definition of a legal description boundary. So this structure does meet the definition of a fence. Chairman Lingenfelter said that if this were a hedge it would still have to comply with the height. Member Hall added that if this was a trellis, it would need to be permitted, if it's a fence and you want to keep it there or if it's a barrier and it's on a corner lot, you would have the right to file for a variance. Member Hall added that he believes a permit is unescapable. Chairman Lingenfelter asked if this has been determined that this is the front yard. Robert said yes there are 2 front yards because it's a corner lot. Member Zahn said this is a time where a variance may be appropriate. Chairman Lingenfelter asked if they are going to pursue a variance to keep the fence. Mr. Kelton said he would have to talk with his client because he didn't know.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-298.13 With a compliance date of August 6, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021046 - Clayton Benio**

**Served**

Complaint No. 20200522044

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

Property Location: 5040 Commerce Ave, Deleon Springs 32130

**Parcel No. 694301150130**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

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

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

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

\*The Board continued this case from the June 16, 2021 hearing:

After discussion and based on the testimony and evidence presented, Member Hall **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**

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**compliance date of August 6, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021047 - Clayton Benio**

**Served**

Complaint No. 20200522043

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-282 fence, wall or hedge over the maximum height allowed  
Property Location: 5040 Commerce Ave, Deleon Springs 32130

**Parcel No. 694301150130**

**Zoning: R-4**

**Code Compliance Officer - Robert Chayer**

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

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

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

\*The Board continued this case from the June 16, 2021 hearing:

After discussion and based on the testimony and evidence presented, Member Hall **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 August 6, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021060 - THOMPSON MATTHEW JAMES & HAWK SANDRA Served**

Complaint No. 20200930055

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Construction of dock / marine construction. Unlicensed contractor activity. May not be a complete list.

Property Location: 6980 Turtlemound Rd, New Smyrna Beach 32169

**Parcel No. 850501540130**

**Zoning: R-9W**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on 3-11-21

Matthew Thompson was present at the hearing for this case.

Margaret Godfrey, Code Compliance and Julie McCrystal, Environmental Specialist, presented the 2 cases together. Margaret went over the case details, showing photos. Margaret stated on September 23<sup>rd</sup> Environmental staff met with the owner on site and saw that the original dock was removed and new pilings were installed so a Stop Work Order was posted. Margaret added that a permit application was submitted and is in final prep status on our end and in ready issue status for environmental, once issued the permit is valid for 6 months. Margaret said she spoke with Julie yesterday for a recommendation.

Alfred Lucignani, complainant, said that he was concerned that the dock Mr. Thompson is building would be an encroachment on the water rights and waterway. Mr. Lucignani said the channel is his egress into the lagoon. Mr. Lucignani said that the 2 poles that were placed seemed to be a calculation error and that after Mr. Thompson discovered the error he did, under his own expense, remove the poles and it was greatly appreciated. Chairman Lingenfelter asked if the permit includes putting the poles back in, Mr. Thompson said all the poles are coming out because he found out that the initial contractor that didn't pull the permit, and it was built 8 feet to far out. Mr. Thompson said he hired a surveyor and the poles were removed, he also got a new contractor. Mr. Thompson said the dock would be built with the same footprint as the original and it would not impact Mr. Lucignani ability to get out which was one of his concerns. Member Zahn said it seems that he is on the right path and working to get the issues resolved.

After discussion and based on the testimony and evidence presented, Member Zahn

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**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 February 2, 2022 and a Hearing to Impose Fine is set for the February 16, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021061 - THOMPSON MATTHEW JAMES & HAWK SANDRA      Served**

Complaint No. 20210115005

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

Property Location: 6980 Turtle mound Rd, New Smyrna Beach 32169

**Parcel No. 850501540130**

**Zoning: R-9W**

**Environmental Specialist II - Todd Hannah**

Property owner was first notified of the violation on 3-11-21

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884 With a compliance date of February 2, 2022 and a Hearing to Impose Fine is set for the February 16, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021083 - BRADLEY J MIKE**

**Posted**

Complaint No. 20201116037

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Expired permit for SFR. Permit #20050527140

Property Location: 1185 San Jose Ave, Lake Helen 32744

**Parcel No. 81050000400**

**Zoning: A-3**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Feb 24, 2021

Mike Bradley and Don Dempsey, Attorney, was present at the hearing for this case.

Isiah Pitts, Code Compliance presented the 2 cases together. Isiah went over the case details, showing photos. Isiah stated the cases were brought to him in November 2020. Isiah said as of right now there is a SFR permit in that expires in October. Chairman Lingenfelter asked Paul Traider if he anything to add and Paul said he didn't have much to add other than it needs the safety measures, a test on the stairs and a CO on the house. Member Zahn asked to get the CO all you need is to have a final on the safety issues? Paul said Yes, on the walkthrough the only construction lacking was on the railings on the second floor landing and the stairway. Paul added that during the walkthrough it appeared to be an occupied house without the CO and nothing to protect the residents from falling off the landing.

Mr. Dempsey said that his client is here and can tell you they are not occupying the dwelling and they reside elsewhere and he hopes to have all this completed in the next couple of months. Member Zahn asked if the permit is good until October. Isiah said yes.

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 October 10, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021127 - BRADLEY J MIKE**

**Posted**

Complaint No. 20210506061

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 111.1. Occupying a dwelling without a County issued certificate of occupation

Property Location: 1185 San Jose Ave, Lake Helen 32744

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**Parcel No. 810500000400**

**Zoning: A-3**

**Code Compliance Officer - Isiah Pitts**

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

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 111.1 With a compliance date of October 10, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021147 - LAWRIE BRIAN**

**Served**

Complaint No. 20210420016

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

Property Location: 149 N 1st St, Oak Hill 32759

**Parcel No. 950600000680**

**Zoning: MH-5**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on May 01, 2021

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

Fred Eastwood, Code Compliance presented the 2 cases together. Fred went over the case details, showing photos. Fred stated on March 5<sup>th</sup> he spoke to the owner and he stated he would be down on March 28<sup>th</sup> to remove the vehicles. Fred said on April 6<sup>th</sup> the owner called and spoke to Chris Hutchison to state he would be down early April to remove the boat and vehicles but to date they are still on the property. Fred added that his final inspection was on July 16<sup>th</sup> and there is no change to the property and has been no further contact.

After discussion and based on the testimony and evidence presented, Member Hall **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(B) With a compliance date of September 13, 2021 and a Hearing to Impose Fine is set for the September 15, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021148 - LAWRIE BRIAN**

**Served**

Complaint No. 20210420015

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 Vehicle(s) that is inoperative and/or without current state license tag

Property Location: 149 N 1st St, Oak Hill 32759

**Parcel No. 950600000680**

**Zoning: MH-5**

**Code Compliance Officer - Fred Eastwood**

Property owner was first notified of the violation on May 01, 2021

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

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**of Ordinances CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 With a compliance date of September 13, 2021 and a Hearing to Impose Fine is set for the September 15, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021150-POLLOCK STANLEY JACKSON & GANNETT EDNA ROLLENE Served**  
Complaint No. 20210406079

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

Property Location: 49 Brooks Dr., Ormond Beach 32176

**Parcel No. 420310000570                      Zoning: R-5**

**Code Compliance Officer - Peter Hinson**

Property owner was first notified of the violation on May 01, 2021

Stanley Pollock was present via Webinar at the hearing for this case.

Peter Hinson, Code Compliance presented the case. Peter went over the case details, showing photos. Peter stated that the advisory notice that was sent was returned back and he posted the property on 3-2-21 and he closed the complaint on 3-19 due to the cardboard sign being removed. Peter reopened the complaint when the cardboard sign reappeared on March 25<sup>th</sup>. Peter said the cardboard sign remained on the tree. Peter said the sign reappeared again and it was setup for Code Board. Peter stated on June 11<sup>th</sup> he did an inspection and a new sign was up attached to a wooden post. Chairman Lingenfelter asked how large the sign was. Peter stated he could not get an accurate measurement because he was not allowed on the property. Peter said it appears to be 6 to 8 feet. Mr. Pollock said the original sign has not been shown and that it was made of concrete not cardboard. Chairman Lingenfelter asked Mr. Pollock what the size of the sign is. Mr. Pollock said it was 4.5 foot square feet. Mr. Pollock said he was complaining about the signs his neighbor had up since last August since they were up for longer than 3 months. Mr. Pollock pointed out that the signs were 3 square feet each, which are standard political signs so the neighbor was already in non-compliance. Mr. Pollock said he submitted an email to Kerry Leuzinger, Chris Hutchison and Peter Hinson with a copy of the code showing the information. Mr. Pollock said the concrete sign was up since February and it kept falling down because it was heavy and when the neighbor would start harassing him he would put it back up. Mr. Pollock said that once Code Enforcement finally enforced the code, the neighbor took down his signs and then Mr. Pollock took his down. Mr. Pollock said that he ordered a custom flag because the codes say that flags are not restricted other than having 4 per lot. Mr. Pollock said this case is based on the concrete sign which was 4.5 square feet and it was up for less than 3 cumulative months within a 12 month period and Mr. Hinson apparently was not aware of these exemptions even though he sent the code. Mr. Pollock said the photos are from March and Mr. Hinson own testimony shows that the sign was taken down and put up periodically and that sign was discarded on June 2<sup>nd</sup> so the sign was never a violation.

Sebrina Slack stated that in those pictures where his initial sign was, that is a prohibited sign because under the code 72 to 298 subsection to be any sign affixed to a tree is a

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prohibited sign. Sebrina Slack added we initially advised him that that was a prohibited sign and we got voluntary compliance on that particular issue with that particular sign.

Chairman Lingenfelter asked if the sign on slide 4, this flag, is that also a non-exempt sign. Sebrina Slack said that's a sign, it is not a flag. Sebrina Slack read the definition of a flag from the Webster dictionary. Sebrina added that it is clearly is not a flag, that it is a sign, it contains information that he is trying to convey to the public so it would not fall within the flag exemption. Peter said he checked with zoning on the type of signage he claims to be a flag and the Representative reviewed the photos it was determined that it is a temporary sign and he would need a permit.

Mr. Pollock said let's start off with the definition of Flags, according to the Webster definition of flags. Somebody that has a Trump sign or a Trump flag, is in violation. Mr. Pollock asked Ms. Slack to answer that question, if somebody puts up a flag saying, Get on the train or get on the Trump train, is that a sign? Ms. Slack said Under the Supreme Court case of Clyde Reed versus town of Gilbert Arizona, the county is prohibited from making any regulations on political speech. Mr. Pollock interrupted and asked Sebrina Slack to answer the question he asked and he added a sign, based on the definition that she's showing, which says, any surface, which is including fabric, that has information or attract the attention. Mr. Pollock added I'm sorry, but get on the Trump train is exactly the same thing. Mr. Pollock added there is no definition of flag in the codes and that he provided the definition of signs that he provided the code department and asked that it be shown on the screen. Mr. Pollock said that his point is, that we are trying to apply different standards to different people. If we are going to say a sign or flag even made out of fabric even if informational is considered a sign. There is nothing in the code that covers or prohibits a fabric flag for informational purposes. Mr. Pollock added, if you're going back to Webster's, whatever the definition than anybody that has a flag on their flagpole that says Trump or get on the Trump train or make America great again, those are also a violation, according to Mrs. Slack's standards, not the County standards, Mrs. Slack standards. Mr. Pollock also stated that he wants the Board to recognize and acknowledge that you can't simply call a flag, a sign, because it's got text on it, which is what Mrs. Slack is trying to do. Chairman Lingenfelter asked if we had a temporary sign regulation and Mrs. Slack said we can regulate the size and it has to be less than 4.5 square feet, and what we are saying is the sign exceeds the size for a temporary sign and would have to get a permit. Mrs. Slack also added just to clarify, what he's showing now does not apply to his zoning area. What that particular part applies to is regulations under the P B and I zoning districts. He is in a residential. He's one of the R1 to R9, so this particular part of the ordinance does not apply to him at all. Mr. Pollock asked if flags are allowed to be up to 4 by 6 foot. Mrs. Slack responded with Section 72 298 Number 1 Exempt signs Subsection E allows flags which are limited in number to 4 per lot and size to 4.5 feet by 6.

Mr. Pollock said he still wanted to focus on, the initial complaint, because the initial complaint was based on a sign, which was exempt. This should never have been opened. It should never have been pursued if Mr. Hinson had been aware of the codes or even bothered to read the e-mails and looked at the codes themselves. I would not be sitting here today except for the fact that you guys are going to now contest that the flag that I had custom made is considered a sign, but that just started in June. Chairman Lingenfelter asked if the concrete sign was attached to a tree. Mr. Pollock said he asked

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Mr. Hinson about that but the violation he received was for a sign without a permit. Mr. Pollock added that in the code it doesn't say anything about a tree. Secondly, the part of the sign codes that refer to trees are referring to public placement, meaning, you can't put them outside in the public on a tree or on a fence on vine in order to try and get away from having it on the ground, in the right away, or something like that. I believe that that is meant to be putting on trees in the public area not private. But, again, when I asked Mr. Hinson about that, he not only refused to answer me, he just turned around and drove off, almost running over my foot, even though I was sitting there tapping on his window, trying to ask questions. Mr. Pollock said he was not cited for hanging it on a tree he was cited for not having a permit. Chairman Lingenfelter asked if Mr. Pollock had a closing statement and Mr. Pollock responded yes the initial case was for having a sign without a permit, the sign did not need a permit, it was in violation for hanging a sign and I just found this out while sitting here.

Member Hall asked if a flag pole would need a permit. Kerry Leuzinger answered typically not for a front yard flag pole but one you might see at a dealership that's going to be 40 to 50 feet tall. Chairman Lingenfelter said that Mr. Pollock was muted since he wouldn't let other people speak. Sebrina Slack said in closing for the County Mr. Pollock testified that his sign is 3 feet by 5 feet and that's 15 square feet, the maximum allowed is 4.5 square feet. Member Zahn said he didn't hear evidence as what was shown was the wrong section of the code and the attorneys brought up what the definitions are and he believes it is still in violation. Chairman Lingenfelter asked Peter if it is still up or what the current status is. Peter stated as of July 20<sup>th</sup> it is still up. The banner is up the concrete sign has been taken down.

Mr. Hendricks was given 2 minutes to speak. Mr. Hendricks stated that Mr. Pollock took the sign down 3 days before Peter came and once Peter signed off he got a violation he would put it back up again and he then took it down again. The sign was damaged in a storm and then a banner was made. Mr. Hendricks said the banner is a website of him and everything that the County has been to his house for. Mr. Hendricks said Mr. Pollock ruined his reputation. Mr. Pollock said he has lived on this street for 25 years and Mr. Pollock has only been there 4 and half years. Mr. Hendricks said the only thing Mr. Pollock knows is that he wants to whip his ass one day and would pay \$1,000.00 to do so.

Member Nadeau asked what the violation is, if it's the flag. Sebrina Slack said it's the size of the sign.

A Roll Call vote was taken.

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-298.13 With a compliance date of August 4, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Zahn **SECONDED** the motion, Member Hall opposed it **then CARRIED** by voice vote.

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**CEB2021153 - SMITH TAMMY & WILLIAM**

**Served**

**\*\*\*REPEAT VIOLATION\*\*\***

Complaint No. 20210423048

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: 7035 S Atlantic Ave, New Smyrna Beach 32169

**Parcel No. 850501180350**

**Zoning: R-9W**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Jun 3, 2021

Tammy Smith was present via Webinar at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret said she was going to present the cases separately. Margaret said that the original case was issued an Order of Non Compliance and Order of Dismissal on October 21, 2020. Margaret said we have received numerous complaints since November 2020. Margaret added that Fred Eastwood was at the property on April 20<sup>th</sup> and made contact with the people there, they told him they were renting for a week, and it was a Wednesday to Wednesday contract. Margaret said that the websites have been taken down and her recommendation is an Order of Non Compliance with a One Time fine of \$15,000.00 dollars.

Mrs. Smith said that at the meeting on 10-21 that she had found out by neighbor in early August that there was concern about the 30 day rentals. Mrs. Smith said she changed her website at that point to 30 day minimum and Margaret testified that there was no evidence that she found that there were rentals less than 30 days. Mrs. Smith stated she would like to know who is making these accusations as she has had a renter for 4 months and they left in December, then she had a 1 month lease for January, she also had a renter for February but since there were only 28 days she had extended it so it would be 30 days. Mrs. Smith said that clearly someone is putting in complaints with no clue. Mrs. Smith added that from August 2020 to mid-April she had 30 day rentals, she added that she was told they were allowed to have less than 30 day rentals and she opened her website for a few days and a week was booked in April, she was then told that they have to go back to the 30 day minimum. Mrs. Smith said that she rented the house to an 89 year old woman who was having her 90<sup>th</sup> Birthday and Mrs. Williams sent numerous messages to let her know she would have to cancel the reservation, but the renter never received them, so she did have a renter there for 1 week. Member Hall said that he understands her testimony, is that you've been doing this and you had one slip up with no understanding of what happened with the county council. Member Hall asked are you willing to send evidence that you had these 30 day rentals, because you should have receipt of those, to Margaret to verify that you had 30 day rentals every day, but there's one incident. Mrs. Smith said that she has the contract for June but others were done through Airbnb and VRBO but maybe she could get something printed out. Member Hall said if you can provide the evidence he would want to continue

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the case for month to give time to get the evidence to Margaret. Mrs. Smith then stated I opened it up for about one week and there were a couple, more than the 90 year old birthday. It was decided to continue the case to allow Mrs. Smith to get the information to Margaret.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue a Continuance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241. The case will be heard in its entirety at the August 18, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021154 - SMITH TAMMY & WILLIAM**

**Served**

Complaint No. 20210525081

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 appraiser has this listed as a 3 bed, 2 bath home and it is advertised on VRBO as a 4 bedroom, 3 bathroom home.

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

**Parcel No. 850501180350**

**Zoning: R-9W**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Jun 3, 2021

Tammy Smith was present via Webinar at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated while researching the property for the short term rentals it was noticed on the VRBO websites said four bedrooms, three bathrooms. Property Appraisers website has this property listed as a three bedroom, two bathroom, single family home. Margaret did say that a fourth bedroom could be a den but it's the third bathroom, mostly with the plumbing and electrical. Member Nadeau asked if Margaret has had permission to do an internal inspection. Margaret said that Mrs. Smith told her that it does have 3 bathrooms but it was there when she bought the property.

Mrs. Smith said it doesn't really matter what was there when we bought the property because it was in such deplorable condition that it was completely gutted and everything was completely replaced. Mrs. Smith said she bought the property at the end of November in 2013 and had her first permit pulled within a month for the roof, she went on to say she had 4 more construction permits in 2014, 4 in 2015, 2 in 2016 and 1 in 2018. Mrs. Smith read some of the permits and what they were for. Chairman Lingenfelter asked how many bathrooms it had when she bought it. Mrs. Smith said it doesn't really matter because what was there was gutted and permitted in 031125. Member Zahn said he does a lot of permit drawings and there should be drawing associated with each of those steps that would verify what the house looked like when the work was done. Member Zahn said this sounds like a case that could be continued. Margaret said that the permit she is mentioning is for 2 bathrooms not 3. Chairman Lingenfelter added that Margaret has gone into the system and sees that there are only 2 bathrooms on the permit and we don't know where the third one came from. Mrs. Smith said she sees permits for the two bathrooms that I mentioned were two of the permits because one was downstairs and the other one was the upstairs bathroom. Mrs. Smith

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said she fixed 2 bathrooms that doesn't mean there are only 2 bathrooms in the house.

Chris Hutchison said that what Margaret is trying to get forth to the board is the fact that we do see these permits that she's talking about, but we have no permit on file for an additional bathroom, that there is nothing out there that says we have submitted a permit to increase the number of bathrooms in the residence.

It was then decided to bring the case back next month to allow some time to look into the permits.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue a Continuance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1. The case will be heard in its entirety at the August 18, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2021155 - WAVECREST NSB LLC**

**Served**

Complaint No. 20200806058

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: 6965 S Atlantic Ave, New Smyrna Beach 32169

**Parcel No. 850501170280**

**Zoning: R-9W**

**Code Compliance Coordinator - Margaret Godfrey**

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

Steven Murray was present at the hearing for this case.

Margaret Godfrey, Code Compliance presented the case. Margaret went over the case details, showing photos. Margaret stated that this property was part of last year's Bethune Beach Coalition and the Certified Notice of Violation was received on August 7<sup>th</sup> and the ad was changed to reflect a 30 night minimum stay, but at the beginning of the year she started receiving more complaints on the property, she got emails which didn't tell too much of anything and she researched it on VRBO and it showed a minimum stay of 4 nights and Airbnb showed a minimum of 7 nights. Margaret said she received an email from Mr. Murray stating he received the notice of violation/notice of hearing and was requesting evidence to substantiate the claim and Margaret emailed a copy of his web advertisement. Mr. Murray asked if she was able to actually book it for 7 days and she showed the screen shot of dates she put in but it wasn't actually booked. Mr. Murray said that VRBO and Airbnb can arbitrarily change those settings and we've had problems with this in the past. It's a website and those things happen. They want to do business, if they don't like how many days you're doing it, they can change it. Mr. Murray asked has anybody successfully booked the property for seven days. Margaret said she had no idea other than what she has in front of her.

Mr. Murray stated that he was there to talk about August 7<sup>th</sup> to the 17<sup>th</sup>, but the screen she is showing, shows the ad from this year. Margaret said that the case was originally closed out and then she started receiving more complaints so all the information she has shown is relevant. Mr. Murray then asked if Fred Eastwood could come up. Mr. Murray asked Fred if he remembers meeting him at his house when someone reported him and when Fred was out there to validate the complaint it was Mr. Murray who was at the house. Mr. Murray then asked if John Rappold worked for us as Fred has been seen at Mr. Rappold's house several times. It was also asked how many complaints have been received by Mr. Rappold. Fred said he goes by what is on his task list.

Member Hall interrupted and said we all understand the situation of that area and have had cases in front of the Board several times. Mr. Murray said we are here for the 7<sup>th</sup> to the 17<sup>th</sup> of August in 2020 and that was what his violation was for. Margaret said no that's when you received the notice of violation. Margaret explained that when he took down the ad she closed the case because she thought they stopped until she started receiving more complaints and during her research she noticed VRBO and Airbnb sites were changed. Mr. Murray asked what is the basis of the complaints, is it because there is an unfamiliar car in the driveway, he added he has lots of friends, he lives in Orlando and he has a beach house so he has lots of friends who stay there.

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Member Hall asked if Mr. Murray if his testimony was that he rents it for 30 day or you don't rent it at all. Mr. Murray said his testimony is that there is no evidence that he is renting for less than 30 days. Member Hall added that the intent is the website when it says less than 30 days. Member Hall added that what we see is that you can rent it for 7 days and it is there and whether you have a description that says contact me if this or that, you are still advertising it for 7 days, that's what we see in front of us right now. Mr. Murray added the facts are you don't have any proof that he is renting for less than 30 days. Member Hall used his phone to look up the ad to see if he could book it for the 7 days. Chairman Lingenfelter asked Mr. Murray if he was opposed to changing his advertising to reflect a 30 night minimum. Mr. Murray said yes he can change his advertising if that something he wants to do and then asked if that was going to be a condition of the ruling. Chairman Lingenfelter said that typically that's how these are cured by no longer being advertised for less than 30 day. Member Zahn suggested keeping a log of what friends are going there in order to protect himself because then you can show here are my records and this is my sworn testimony. Member Zahn added that we go off the testimony and evidence presented to and we make decisions the best we can based off that information.

Mr. Murray added that he has told Fred Eastwood if he gets a complaint to call him and he can clarify who is in his house, he added that he has not received one phone call but has received another violation, so they are taking the word of a complainant and using that as fact.

After discussion and based on the testimony and evidence presented, Member Hall **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 8, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.



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

Property Location: 33 Alamanda Dr., Ormond Beach 32176

**Parcel No. 420313000170**

**Zoning: R-5**

**Code Compliance Coordinator - Margaret Godfrey**

Property owner was first notified of the violation on Mar 27, 2021

Kelly Landaker and David Goodsale, the previous owner, were present at the hearing for this case.

Margaret Godfrey, Code Compliance presented the case. Margaret went over the case details, showing photos. Margaret stated on February 20<sup>th</sup> they saw an unpermitted addition on the west side of the property and a Stop Work Order was posted. Margaret said there was a permit many years ago to enclose a carport. Margaret showed photos of before and after pictures with new doors and windows and in the back looked like some plumbing work being done. Chairman Lingenfelter asked Margaret how this complaint came about and Margaret stated Robert Chayer and her were in that area and are familiar with the property and it was noticed the changes and the French doors were taken down and looked like new siding and new windows, it was also noticed possible work inside the home. Member Zahn said that based off the photos of the windows and doors alone show structural issues which require permits and during the inspection if additional work is seen that would require a permit as well. Ms. Landaker showed the survey and photos and she said the roof was redone and she had the permit. Chairman Lingenfelter asked if she had a permit for the window and doors and Ms. Landaker said no. Ms. Landaker said Margaret is claiming she built a new addition which she didn't. Margaret said no it was noticed there was work done. Mr. Goodsale asked if there is a difference in repairing damage as opposed to adding a structure, because what was done did not increase the footprint of the house. Member Hall explained yes permits would be needed to make sure they meet hurricane standards. Mr. Goodsale asked if Ms. Landaker would be able to obtain permits for the stuff that has been done. Chairman Lingenfelter and Member Zahn explained the owner builder process. Ms. Landaker stated she has called several times to find out what needs to be done as she is a first time home owner. Member Hall added this is now a matter of filing the paperwork and getting the necessary permits.

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

**CEB2021158 - Ernesto and Conception Guillen- Cortez**

**Served**

Complaint No. 20200923035

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE

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obtaining a tree removal permit from the County Forester

Property Location: 859 Lakeview Dr., Deland 32720

**Parcel No. 791304000151**

**Zoning: I-1**

**Environmental Specialist II - Todd Hannah**

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

Michael Wojtuniak, Engineered Permits Inc., was present at the hearing for this case.

Julie McCrystal, Environmental Specialist, presented the 2 cases in Todd's absence and Isiah Pitts, Code Compliance, presented his 3 cases together. Julie went over the case details, showing photos. Julie showed an overview from the property in 2018 and another from 2021, which shows the clearing activity. Julie said on January 8, 2021 a site inspection was conducted and there was no access to the property. Julie said the tree removal and the wetland buffer impacts are visible from the aerials and a notice of violation was sent. Julie said as of June 8<sup>th</sup> there was no contact with the owner so it was setup as a case, she added that as of July 20<sup>th</sup> there still has been no contact or response with the owner. Chairman Lingenfelter stated that what was being said is that a tree of a certain size was removed from the property. Julie said this is an industrial property so all trees are protected and would need a permit for tree removal, they need a site plan, a wetland delineation and that it is a whole land development activity. Julie added they would need to do a historical trace survey and then a historical wetland line verification with the state. Isiah showed his photos of the fence and the structure that was built with no permits. Isiah also stated he has had no contact with the property owner and that there is no site plan for the property.

Mr. Wojtuniak stated that he told Mr. Baldino to get the permit for the fence and he has now been contracted to do a site plan and he has been in contact with Efird Surveying and is waiting on information. Mr. Wojtuniak said that Mr. Baldino did try to pull a permit for the fence but it was rejected probably because he is the Owner and not a contractor. Mr. Wojtuniak said he would need more time to get these items cured and hopes to show significant progress.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2) With a compliance date of September 12, 2021 and a Hearing to Impose Fine is set for the September 15, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021160 - BALDINO CONCRETE & BOBCAT INC**

**Served**

Complaint No. 20210108064

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

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Property Location: 859 Lakeview Dr, Deland 32720

**Parcel No. 791304000151                      Zoning: I-1**

**Environmental Specialist II - Todd Hannah**

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

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884 With a compliance date of September 12, 2021 and a Hearing to Impose Fine is set for the September 15, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021171 - BALDINO CONCRETE & BOBCAT INC                      Served**

Complaint No. 20201229021

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

Property Location: 859 Lakeview Dr, Deland 32720

**Parcel No. 791304000151                      Zoning: I-1**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Dec 29, 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 72-291 With a compliance date of September 12, 2021 and a Hearing to Impose Fine is set for the September 15, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021172 - BALDINO CONCRETE & BOBCAT INC                      Served**

Complaint No. 20201229024

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). Roof, carport type structure

Property Location: 859 Lakeview Dr, Deland 32720

**Parcel No. 791304000151                      Zoning: I-1**

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Dec 29, 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 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of September 12, 2021 and a Hearing to Impose Fine is set for the September 15, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021173 - BALDINO CONCRETE & BOBCAT INC                      Served**

Complaint No. 20201229023

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: 859 Lakeview Dr, Deland 32720

**Parcel No. 791304000151                      Zoning: I-1**

July 21, 2021

**Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Dec 29, 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 9 SECTION 72-341(b) With a compliance date of September 12, 2021 and a Hearing to Impose Fine is set for the September 15, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2021167 - LOWERY NATHAN ERVIN**

**Posted**

Complaint No. 20201008019

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

Property Location: Kentucky (Paper), Suite AV, Deltona 32738

**Parcel No. 810404090010**

**Zoning: A-3**

July 21, 2021

## **Environmental Specialist II - Todd Hannah**

Property owner was first notified of the violation on Oct 8, 2020

Nathan Lowery was present at the hearing for this case but left before his case was called to be heard.

Julie McCrystal, Environmental Specialist, presented the case in Todd's absence. Julie went over the case details, showing photos. Julie stated on October 6, 2020 a site inspection was conducted, the site was partially cleared and a Stop Work Order was issued. On November 11, 2020 a standalone tree removal permit was issued and then expired on May 3<sup>rd</sup>, 2021. No Trees were planted on site and on June 15<sup>th</sup> it was referred to Code Board. Julie added that the owner did come in while we were here today to file an extension that has not been granted. Julie added that they would after getting the Order of Non Compliance.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2) With a compliance date of August 11, 2021 and a Hearing to Impose Fine is set for the August 18, 2021 hearing.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

## **XI. Requests for Discussion of Accumulated Fines**

### **CEB2018212 - A2Z RENTALS LLC SMITH MARK & KIELESZEWSKI LORI Posted**

Complaint No. 20161123033

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

Property Location: 1536 Culverhouse Dr., Daytona Beach 32117

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**Parcel No. 423310000240**

**Zoning: R-4**

**Code Compliance Coordinator - Margaret Godfrey**

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

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

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

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

\*Order of Compliance issued at the June 16, 2021 hearing:

**Request for Discussion of Fine/Lien of \$5,000.00**

Lori Kieleszewski was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret said Lori bought this problem and there were several conversations before she bought it. Margaret then showed photos of what the property looked like previously and what it looks like now. Margaret stated that Lori has spent a lot of money on getting everything permitted, finalized and approved. Margaret stated that she recommends reducing the lien to zero dollars. Margaret also added that there was a lot maintenance lien of around \$1,100.00 which Lori paid as well.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to reduce the fine to Zero Dollars and issue an Order of Dismissing and Releasing Fine/Lien once paid for violation of Volusia County Code of Ordinances, CHAPTER 22-2, SECTIONS 105.1 AND 109.3.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

## **CASES FROM THE ADDENDUM**

### **IX. Unfinished Business**

**CEB2015085 - ROEMMICH JIMMIE J JR**

**Served**

Complaint No. 20150303056

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

Property Location: 1458 Admiral Nimitz Av, Daytona Beach 32124

July 21, 2021

**Parcel No. 620602210080**

**Zoning: R-4(5)**

**Zoning Compliance Coordinator – Debbie Zechnowitz**

Property owner was first notified of the violation on Mar 09, 2015

\*Final Order of Non Compliance and Imposing Fine Lien issued at the Sept 16, 2015 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of July 16, 2021:

**Order of Compliance**

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

**XI. Requests for Discussion of Accumulated Fines**

**CEB2015085 - ROEMMICH JIMMIE J JR**

**Served**

Complaint No. 20150303056

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

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\*A Report and Affidavit of Compliance was submitted with a compliance date of July 16, 2021:

July 21, 2021



**Request for Discussion of Fine/Lien of \$10,000.00**

Lori Kieleszewski was present at the hearing for this case.

Debbie Zechnowitz, code compliance, presented the case. Debbie went over the case details, showing photos. Debbie said she was at the property last Friday and the property is now in Compliance. Debbie stated she has not been the officer for the case throughout the years. Debbie said this property gets a lot of complaints.

Chris Hutchison said that he was at the property because there were complaints from Council members on the property and that he would recommend reducing the fine by 50%. Sebrina Slack added that this was actually in the process of having a potential nuisance injunction complaint filed because of the recent and continuing complaints from neighbors and Council members. Sebrina added that it was her understanding that it was brought into compliance because he needs to refinance his home.

Mr. Roemmich said that he obviously cannot deny that he was out of compliance, he had to get stuff done and issues with stress and anxiety and his mother being out of state with illness. Mr. Roemmich stated that he let things go way longer than they should have. He also added he did not realize a fine was starting at the last meeting he was at. Mr. Roemmich said he is in the process of getting a refinance so that he could have some repairs done to the house.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to reduce the fine to Five Thousand Dollars (\$5,000.00) payable within 60 days and issue an Order of Dismissing and Releasing Fine/Lien once paid for violation of Volusia County Code of Ordinances, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Hall **SECONDED** the motion, Member Dwyer opposed it then **CARRIED** by voice vote.

**CEB2020143 - HOUNSOM SUSAN E**

**Served**

Complaint No. 20200615064

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

Property Location: 811 Garfish Ave, New Smyrna Beach 32169

**Parcel No. 850501700180**

**Zoning: R-9W**

**Code Compliance Coordinator - Margaret Godfrey**

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

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

\*Final Order Imposing Fine Lien issued at the June 16, 2021 hearing:

**Request for Discussion of Fine Start Date**

Susan Hounsom was present at the hearing for this case.

July 21, 2021

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret said the fines are supposed to start tomorrow. Margaret added that permit application was submitted and in review process and there were plans that were sent in for a deck, but not the dock. The deck plans were for a completely different property. Margaret said Steven Lease is the contractor for the deck, this is the following information that was sent by his zoning, the property consists of lots 18, 19, and 20 block 70. The lots need to be combined for the purpose of creating a unified building site to meet zoning requirements and an application was submitted to combine the lots. But there has been nothing else since. Margaret showed photos of the drawing and said there was never a permit for the dock. Margaret said that both permit applications are still in the Zoning Review Process waiting for the requested actions and additional information. Margaret added that she recommends the fines start and run until compliance is achieved. Chairman Lingenfelter asked there is not a permit for the dock yet and Margaret replied No and said the zoning permit for the deck requirements because it's not attached to the house and not sure if it is a lot coverage issues, but they need to have a more unified building site and that has not been responded too.

Ms. Housom stated that she hired a contractor to replace most of the boards on the patio. Ms. Housom later had to fire him as he pulled no permits and she paid for the complete project. Ms. Housom then hired Steve Lease, he pulled the Notice of Commencement for the finished deck and dock, the deck is a free standing patio that is not attached to the house and has been there since 1990 when she had the house built. Steve then told her to hire CRA Engineers to do the drawings. Ms. Housom said they are now withdrawing from the project stating that the dealings with the County have been too messy and time consuming for them to continue. Ms. Housom add that the citation she received was for the dock and that was there before she purchased the property. Ms. Housom then said Steve inspected the dock and found it to be well built and safe. But she just found out that Steve cannot do that permit because he has to have a longshoreman's insurance, which he does not have and to get it would be \$6000.00. She started to look for a dock contractor, which she found yesterday Dockside Builders to pull the permit and do the drawings, the dock has been there for 31 years. Ms. Housom added that CRA engineering was also doing the drawings for the dock, but back out of that, because they felt they didn't have the expertise to do it. Steve has done the best to keep the projects moving forward. Ms. Housom said she found an engineering company and a marine contractor, which she had never contemplated on having to do. She has moved forward as expeditiously as possible considering the difficult and unforeseen circumstance. Ms. Housom is asking for an extension to pull the permits. Ms. Housom went over a timeline of events. The Board members discussed a timeframe on pushing the fine start date out to.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a First Amended Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing September 16, 2021 and to continue until compliance is achieved, but not to exceed \$86,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

July 21, 2021

**CEB2020138 - HOUNSOM SUSAN E**

**Served**

Complaint No. 20200727058

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

Property Location: 811 Garfish Ave, New Smyrna Beach 32169

**Parcel No. 850501700180**

**Zoning: R-9W**

**Environmental Specialist II - Todd Hannah**

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

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

\*Final Order Imposing Fine Lien issued at the June 16, 2021 hearing:

**Request for Discussion of Fine Start Date**

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a First Amended Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing September 16, 2021 and to continue until compliance is achieved, but not to exceed \$86,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**XII. New Business**

- A. Tally Sheets (Quarterly)**
- B. As Entertained by Chairman**
- C. As Entertained by Board Attorney**
- D. As Entertained by Staff Attorney – Sebrina Slack discussed Anonymous Complaints.... State Bill 60 passed on July 1, 2021 we can only pursue a complaint if someone provides their name and address, unless it is an emergency or if environmental harms are actually occurring. There's a small exemption for anonymous complaints to remain, and that we're going to start looking at how to implement that.**
- E. As Entertained By Staff**

**XIII. Adjournment**

July 21, 2021

**There being no further business to discuss before the Board, the meeting adjourned at 1:42 pm.**

**Respectfully submitted,**

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**Ramona Jones  
Code Enforcement Board Clerk**

[Type here]

**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 21, 2021, at 123 West Indiana Avenue, Deland, Florida.**

**WITNESS MY HAND this 10th day of August, 2021, in the City of DeLand, County of Volusia, State of Florida.**

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**Ramona Jones  
Code Board Clerk**

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