



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

August 21, 2019

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

Building

MEMBERS PRESENT

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

MEMBERS ABSENT

Clement Nadeau

STAFF PRESENT

**Chris Hutchison, Code Compliance Manager
Debbie Zechnowitz, Code Compliance Officer
Russ Brown, Assistant County Attorney
Meghan Lindsey, Code Enforcement Board Clerk
Mike Nelson, Building & Code Administration Director
Kerry Leuzinger, Chief Building Official
Michael Mazzola, Code Compliance Officer
Robert Chayer, Code Compliance Officer
Mark Kaufman, Code Compliance Officer
Isiah Pitts, Code Compliance Officer**

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APPROVAL OF MINUTES

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Member Needham moved to APPROVE the July 17, 2019 Code Enforcement Board minutes. Member Leonard SECONDED the motion that CARRIED unanimously by voice vote.

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UNFINISHED BUSINESS

CEB2017199-SERRA RONALD F & SHARON M

Served

August 21, 2019

Complaint No. 20170511028

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 #20011114019)

Property Location: 1761 Mitchell Ct, Port Orange 32128

Parcel No. 633001002220 Zoning: PUD

Code Compliance Coordinator – Margaret Godfrey

Property owner was first notified of the violation on May 15, 2017

*The Board continued this case from the November 15, 2017 hearing:

*The Board continued this case from the December 20, 2017 hearing:

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

*1st Amended Order of Non-Compliance issued at the February 21, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

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

*Final Order Imposing Fine Lien issued at the April 17, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of July 18, 2019:

Order of Compliance

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

CEB2018170- MAIHLE RONALD KIRT & THERESA

Posted

Complaint No. 20180213054

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

Property Location: 1718 Evergreen St, Ormond Beach 32174

Parcel No. 424235020061 Zoning: R-5

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

*3rd Amended Order of Non-Compliance issued at the July 17, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of July 25, 2019:

Order of Compliance

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

August 21, 2019

CEB2018338-KELLEY ALICIA MARIE **Posted**

Complaint No. 20171103044

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

Property Location: 4508 Doris Dr, New Smyrna Beach 32169

Parcel No. 743501070160 **Zoning: R-4W**

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of July 3, 2019:

Order of Compliance

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

CEB2018344-LORD & COLLETT INC **Served**

Complaint No. 20180731033

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

Property Location: 6318 Turtlemound Rd, New Smyrna Beach 32169

Parcel No. 850501450070 **Zoning: R-9W**

Zoning Compliance Officer - Debbie Zechnowitz

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

*Final Order Imposing Fine Lien issued at the September 19, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of June 4, 2019:

Order of Compliance

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

August 21, 2019

CEB2019107-MOSIER JOANIE O

Served

Complaint No. 20190116035

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

Property Location: 114 West Loop, Oak Hill 32759

Parcel No. 950600011140

Zoning: MH-5

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Feb 1, 2019

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

*Final Order Imposing Fine Lien issued at the May 15, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of July 8, 2019:

Order of Compliance

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

CEB2019108-MOSIER JOANIE O

Served

Complaint No. 20190116036

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: 114 West Loop, Oak Hill 32759

Parcel No. 950600011140

Zoning: MH-5

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Feb 1, 2019

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

*Final Order Imposing Fine Lien issued at the May 15, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of June 30, 2019:

Order of Compliance

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

August 21, 2019

CEB2019168-MATZKY VIRGILENE R **Posted**

Complaint No. 20181228031

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

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

Parcel No. 734410000760 **Zoning: MH-5(1)A**

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of July 29, 2019:

Order of Compliance

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

CEB2019169-MATZKY VIRGILENE R **Posted**

Complaint No. 20181228032

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

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

Parcel No. 734410000760 **Zoning: MH-5(1)A**

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of July 7, 2019:

Order of Compliance

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

August 21, 2019

CEB2019163-SIDDALL JAMES

Served

Complaint No. 20171116007

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

Property Location: 110 Cucumber Ln, New Smyrna Beach 32168

Parcel No. 722301010110

Zoning: A-1C

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of August 7, 2019:

Order of Compliance

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

CEB2019164-SIDDALL JAMES

Served

Complaint No. 20190311037

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

Property Location: 110 Cucumber Ln, New Smyrna Beach 32168

Parcel No. 722301010110

Zoning: A-1C

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of August 7, 2019:

Order of Compliance

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

August 21, 2019

CEB2018264-CONFIDENTIAL DATA F.S. 119.07

Served

Complaint No. 20140905009

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 All construction requires building permit(s) and inspection approval(s). (Re-roof, new windows, may not be a complete list.)

Property Location: 160 Roberta Rd, Ormond Beach 32176

Parcel No. 323401000570

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

*3rd Amended Order of Non-Compliance issued at the July 17, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 7, 2019:

Order of Compliance

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

CEB2018075-SEGREN CHRIS

Posted

Complaint No. 20171222024

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: 1577 Primrose Ln, Daytona Beach 32117

Parcel No. 423303000390

Zoning: R-4

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on January 22, 2018

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

*A report an affidavit of Compliance was submitted with a compliance date of May 6, 2019

Order of Compliance

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

August 21, 2019

CEB2019085-COLEMAN KAREEN

Hand-Delivered

Complaint No. 20180323007

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

Property Location: 315 Spring Forest Dr, New Smyrna Beach 32168

Parcel No. 721401000060

Zoning: A-1

Zoning Compliance Officer - Debbie Zechnowitz

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

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

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

*A report an affidavit of Compliance was submitted with a compliance date of March 5, 2019

Order of Compliance

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

CEB2019161-HOUNSOM SUSAN E

Posted

Complaint No. 20190318026

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

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 Mar 22, 2019

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

*A report an affidavit of Compliance was submitted with a compliance date of August 12, 2019

Order of Compliance

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

August 21, 2019

CEB2019183-JORDAN JOEL G Served

Complaint No. 20190213006

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: 3931 S Atlantic Ave, Port Orange 32127

Parcel No. 631202002740 Zoning: R-9(S)

Code Compliance Officer - Mark Kaufman

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

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

Order of Compliance

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

CEB2016048-GRAF GREGORY Served

Complaint No. 20140911004

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: 2900 Tangelo Rd, Edgewater 32141

Parcel No. 844301001620 Zoning: RC

Code Compliance Officer – Debbie Zechnowitz

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

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

*1st Amended Order of Non-Compliance issued at the October 19, 2016 hearing:

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

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

*4th Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

*5th Amended Order of Non-Compliance issued at the October 17, 2018 hearing:

*6th Amended Order of Non-Compliance issued at the February 20, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case.

Matt Welch, Attorney, gave his name and address for the record.

Debbie said the cases remain in non-compliance and there hasn't been a lot of activity, except the gazebo has been removed. She said Mr. Welch could probably provide a lot more information. Mr. Welch said the gazebo has been removed from the site. He said August 21, 2019

they are expecting the as-built drawings for the garage, to be complete sometime this week. He said he is not sure why the permit expired, but Debbie is working with him on this. He said once we get the as-builts finished, we'll resubmit or do anything we need to do, to get the permit re-opened and then closed out. He said those were the only two items that I'm aware of and one is taken care of, and the other will be at the tail end.

The Chairman asked if the outstanding issue is the 30 by 60 or the single family home.

Debbie said both.

Russ Brown, Assistant County Attorney, asked Mr. Welch if the settlement was done, because wasn't that one of the things that was holding up some of the work? He said wasn't there an issue with the estate on this one; am I wrong?

Mr. Welch said no, you're correct. He said there's an estate pending in the state of Pennsylvania. He said the court up there has ordered the sale of this home, for the proceeds to be distributed to the grandchildren.

Mr. Brown said I only ask, if that is going to continue to affect your timeline. He said is that really not an issue because they ordered the sale?

Mr. Welch said only that the judge up there, is mad at me. He said we're moving in the right direction, I'm trying to get it closed out as quickly as I can.

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

Based on the evidence and testimony provided, Member Needham **MOVED to issue a Seventh Amended Order of Non-Compliance and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

August 21, 2019

CEB2016049-GRAF GREGORY

Served

Complaint No. 20150522017

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). (Expired Permit #20140327006 for SFR)

Property Location: 2900 Tangelo Rd, Edgewater 32141

Parcel No. 844301001620

Zoning: RC

Code Compliance Officer – Debbie Zechnowitz

Property owner was first notified of the violation on May 26, 2015

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

*1st Amended Order of Non-Compliance issued at the October 19, 2016 hearing:

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

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

*4th Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

*5th Amended Order of Non-Compliance issued at the October 17, 2018 hearing:

*6th Amended Order of Non-Compliance issued at the February 20, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case.

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

Based on the evidence and testimony provided, Member Needham **MOVED to issue a Seventh Amended Order of Non-Compliance and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017432-CLAFFY DORA M & PATRICIA C PERRY

Posted

Complaint No. 20170815052

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: 1405 E New York Ave, Deland 32724

Parcel No. 701106000150

Zoning: B-2CA

Code Compliance Coordinator – Margaret Godfrey

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

*Order of Non-Compliance issued at the October 17, 2018 hearing:

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

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

August 21, 2019

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case. He said so far nothing has changed on the property, other than the fact that they cleaned up the yard. He said that he believes that they removed the vehicle that was there.

Mark Kane gave his name and address for the record. He said that he is Patricia Perry's son-in-law. He said that Ms. Perry is in a nursing home. He said that he and Ms. Perry's daughter are taking care of her affairs. He said they've dealt with the property tax lien and there is also a water department issue that must be taken care of. He said they want to put the property up for sale, but it needs a little work to get it prepared for that. He said it requires an entire roof replacement, which Ms. Perry cannot afford. He said we have several parties that are interested in the property, and we're just asking for more time.

Chris said staff is recommending a third amended order of non-compliance, with a hearing to impose fine scheduled for November 20, 2019.

Member Needham asked if the disused sign in the picture, was on Ms. Perry's property.

Mr. Kane said no.

Chris said it's the property next door.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Third Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018425-MICALLEF DANA

Posted

Complaint No. 20180820091

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 expired permits)

Property Location: 1888 John Anderson Dr, Ormond Beach 32176

Parcel No. 324103000033

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Nov 2, 2018

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

Hearing to Impose Fine/Lien

August 21, 2019

The respondent was not present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case. There has been no further contact with the property owner and no permit extension requests have been submitted. The site and conditions remain unchanged. He said there is a bankruptcy proceeding, going on; staff recommends a first amended order of non-compliance, with a hearing to impose fine scheduled for February 19, 2020.

Chris explained that we can't hinder the property with any fines or anything, because of the bankruptcy proceeding.

Mr. Brown said right, we don't want to become a creditor or interest after the bankruptcy, after the Lis Pendens has been filed.

Based on the evidence and testimony provided, Member Wild **MOVED to issue a First Amended Order of Non-Compliance and a Hearing to Impose Fine/Lien to be scheduled for the February 19, 2020 hearing for Violating 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.

CEB2018457-LUZNAR ROGER J

Served

Complaint No. 20180828002

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

Property Location: 549 N Cr 415, New Smyrna Beach 32168

Parcel No. 721100000030

Zoning: BPUD

Code Compliance Coordinator - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case. He said yesterday we received information from Chief, Noble Taylor, that the fence is okay. He said the permit has been issued and I believe we can send this out, six months. Staff recommends a first amended order of non-compliance, with a hearing to impose fine scheduled for December 18, 2019.

Mike Nelson, Building and Code Administration, said this is just to get it inspected, right?

Chris said once he gets it inspected, we'll do an Order of Compliance. He explained the case to the board.

August 21, 2019

Based on the evidence and testimony provided, Member Needham **MOVED to issue an First Amended Order of Non-Compliance and a Hearing to Impose Fine/Lien to be scheduled for the December 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 9 Sections 72-341 (b).** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018493-TINDALL DARLENE

Posted

Complaint No. 20180723026

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). Replacing deck on dock. Appears this is a new structure. All new pile, framing, appears renovation and/or re-model in-progress inside SFR, electric, mechanical, plumbing. This may not be a complete list

Property Location: 1634 Juno Tr, Astor 32102

Parcel No. 581900070720

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case. He said right now, they are trying to get some information from the Army Corp of Engineers, to sign off on their project. Chris said they haven't done it and they also need a DEP, sign-off. He said it's been quite some time, since we've had communication with them. Chris said we don't see where any of this, is being accomplished. Staff recommends a fine in the amount of \$100.00 per day, to commence on September 19, 2019; not to exceed \$17,400.00.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day, not to exceed \$17,400.00, to begin on September 19, 2019.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

August 21, 2019

CEB2018505-WILMINGTON SAVINGS FUND SOCIETY FSB TR

Posted

Complaint No. 20181012029

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). (Garage that was converted into an apartment without permit(s) and/or inspection approval(s))

Property Location: 212 N Sheridan Ave, Deland 32720

Parcel No. 700705000260 Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case. He said the site and conditions remain unchanged and there has been no contact. Staff recommends a fine in the amount of \$100.00 per day, to commence on September 19, 2019; not to exceed \$17,300.00.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day, not to exceed \$17,300.00, to begin on September 19, 2019.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019021-CRAMER LYNETTE

Posted

Complaint No. 20190118031

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: 1335 Fleming Ave, Ormond Beach 32174

Parcel No. 422800000030 Zoning: MH-1

Code Compliance Officer - Robert Chayer

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

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

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Robert Chayer, Code Compliance Officer, presented the case. He said that civil service, has been served and the mobile home park has moved on the foreclosure. He said they own the building and they are getting their legal staff together, so that they get a permit to demolish the structure.

Based on the evidence and testimony provided, Member Leonard **MOVED to issue an Third Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019105-MAUTON MANAGEMENT INC **Posted**

Complaint No. 20181019029

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

Property Location: 1741 Valencia Ave, Ormond Beach 32174

Parcel No. 424264000300 **Zoning: R-5**

Code Compliance Officer - Robert Chayer

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. He said according to the property owner, the property changed hands. Robert said when he looked on the Clerk's site, he didn't see a change-over. He said he went to the house and spoke with the people that are living there and they actually had closed on the house, within the last week. Staff recommends an amended order, to determine who owns the property.

Member Zahn said and then if we have the same situation, he said we can impose a fine right on the spot; in case this thing is doing the flip flop.

After the motion was made, the Chairman asked if it seemed like the new owners wanted to cooperate.

Robert said they seemed overwhelmed, but willing to cooperate.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue a Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to**

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be scheduled for the September 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article II Sec. 58-36. After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019122-PIATEK JOSEPH **Posted**

Complaint No. 20190116012

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: 627 Easy St, Daytona Beach 32117

Parcel No. 521109000340 **Zoning: R-5A**

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Jan 22, 2019

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. Robert said that Mr. Piatek is continuing to work on it and that he's almost done. Staff recommends a first amended order, with a hearing to impose fine scheduled for September 18, 2019.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue a Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the September 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article II Sec. 58-36.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019023- ALLEN JOHN L **Served**

Complaint No: 20190503022

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

Property Location: 105 Poinciana Ln, Deltona 32738

Parcel No. 911001030230 **Zoning: R-4EA**

Code Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He said on August 1st, he met with Mike Allen and explained the violations to him. Mr. Allen said he would get August 21, 2019

them all into compliance. Michael said he conducted an inspection on August 14, 2019 and all the violations were still present.

The Chairman asked if there had been progress.

Michael said there was no progress at all.

Member Leonard said she remembered when the property owner was here before.

Michael said John was.

Member Leonard said John's the owner, but you're talking to Mike, who is the brother that's living there.

Michael specified that Mike is the one with the cars and the building.

Member Leonard said but you haven't spoken to John, since he was here last time?

Michael said no.

Staff recommends a fine of \$25.00 per day, per day; with a total cap of \$10,000.00.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$10,000.00 total, to begin on September 19, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019151-ALLEN JOHN L

Served

Complaint No. 20190122040

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

Property Location: 105 Poinciana Ln, Deltona 32738

Parcel No. 911001030230

Zoning: R-4EA

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jan 30, 2019

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

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After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$10,000.00 total, to begin on September 19, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019152-ALLEN JOHN L **Served**

Complaint No. 20180814044

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: 105 Poinciana Ln, Deltona 32738

Parcel No. 911001030230 **Zoning: R-4EA**

Code Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$10,000.00 total, to begin on September 19, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019153-ALLEN JOHN L **Served**

Complaint No. 20180814042

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: 105 Poinciana Ln, Deltona 32738

Parcel No. 911001030230 **Zoning: R-4EA**

Code Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

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After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$10,000.00 total, to begin on September 19, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019154-ALLEN JOHN L **Served**

Complaint No. 20180814045

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: 105 Poinciana Ln, Deltona 32738

Parcel No. 911001030230 **Zoning: R-4EA**

Code Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$10,000.00 total, to begin on September 19, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019155-ALLEN JOHN L **Served**

Complaint No. 20181102031

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

Property Location: 105 Poinciana Ln, Deltona 32738

Parcel No. 911001030230 **Zoning: R-4EA**

Code Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

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After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$10,000.00 total, to begin on September 19, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019160-HOUNSOM SUSAN E

Posted

Complaint No. 20190315005

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 and renovations to convert storage to living space)

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 Mar 25, 2019

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case. He said since we were last here, there has been no communication with Margaret and she has not been invited to inspect the residence. The deck built without permits has also, not been addressed. He said the shed has been removed and the setback violation, is the only violation that has been cured; there was an Order of Compliance on that, this morning. Staff recommends a fine in the amount of \$50.00 per day, per case; with a maximum amount of \$37,500.00 per case. The total amount would be \$75,000.00 and the lien would commence on September 19, 2019.

Susan Hounsom gave her name and address for the record. She said when she last appeared at the June Code Enforcement Board Hearing, the shed was too close to the lot line. She said the shed was down in June. Ms. Hounsom said the second violation stated that I had a multi-family, in a single-family zoning; it's not true, I gave testimony that it's not true. She said I have no stove, it's sleeping quarters and it happens to be on the first floor. She said you could call it an apartment, but it's not; I don't rent it out. She explained that her sister stays there for a month, during Christmas. She said she sometimes has guests, but no longer than 2 or 3 days. She said she sometimes has people from her church stay there, but only over-night. She said it is not a multi-family.

Ms. Hounsom said violation three was that first floor that we're talking about. She said it was made from storage area into living space. She said when I bought the house, I had it built, I had contracted with the builder to build it the way that it was, when I moved into it; which was that first floor being finished. Ms. Hounsom said that she had no idea that it

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wasn't on the plans. She said it's been there since 1990. She said she had no idea that it was built without a permit. She said he was a licensed contractor and that he was building the house and that it was done to code. Ms. Hounsom said when she looked at the plans, there was a bathroom with plumbing already there and electrical. She stated that the electrical and the plumbing are already on the plans. She said that she didn't know there was anything askew with it. Ms. Hounsom said that's what I paid for and that's what I got; I didn't know it was done illegally.

Ms. Hounsom said that she sent an e-mail to Margaret Godfrey, Randy Roberts and Chris Hutchison on July 26, 2019. She produced a copy of the e-mail for the board to read. Ms. Hounsom said that she was asking to schedule an inspection of her residence; 811 Garfish, at your earliest convenience.

Chris said I do believe we're here to set the fine, we're not here to re-try the case.

The Chairman said I actually, appreciate it because I missed the June hearing.

Ms. Hounsom said yes, but may I say that what the gentleman is saying is not true; he said I didn't contact the department and that might be part of the reasoning, that you're going to impose a fine. She said I've never been inspected and I've invited them for an inspection. She said I don't believe I'm in violation and yet, you want to impose a fine. She said I wasn't in violation, when I was here in June.

Member Wild said, but you were found in violation.

Ms. Hounsom said no I was found, but I think it was erroneous.

Member Wild said I understand, but you were still found in violation. He said we're not redoing that.

Ms. Hounsom said I hear you say, I was in violation but no one ever came out to inspect. She said the violation was founded on errors.

Charles Cino, Board Attorney, said if you don't agree with the board's decision, the next step would be circuit court. He said they found it in violation, at this point; they heard the case already.

Ms. Hounsom said what was I to have done, then?

Mr. Nelson said it looks like we need to give her another 30 days; there's an e-mail there, saying she did request an inspection. He said I would respectfully request that we continue this for 30 days, to allow for the inspection to take place.

Ms. Hounsom said my question is, how could I been found in violation, without an August 21, 2019

inspection in the first place?

The Chairman said in June they heard the case, I was absent, but based on the evidence they found you in violation. He said now, we work toward compliance.

Ms. Hounsom said even though it was my testimony that I was in compliance.

Member Wild said we also had the county's testimony that said you're not in compliance.

Ms. Hounsom said but they were never there; they never did and inspection.

After the motion was made, Ms. Hounsom asked for it to be explained.

Member Zahn explained the motion to her.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to continue the case to the September 18, 2019 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019162-HOUNSOM SUSAN E **Posted**

Complaint No. 20190318031

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

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 Mar 22, 2019

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to continue the case to the September 18, 2019 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019180-KLUTTZ AARON W **Served**

Complaint No. 20190311017

August 21, 2019

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

Property Location: 6459 River Rd, New Smyrna Beach 32169

Parcel No. 850501590570

Zoning: R-9W

Code Compliance Officer - Mark Kaufman

Property owner was first notified of the violation on Apr 05, 2019

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Mark Kaufman, Code Compliance Officer, presented the case.

Aaron Kluttz gave his name and address for the record.

Mark said as of today, there have been no permit applications. He said they did consult with a general contractor and they have some plans to present. He said that he has received information from several people, stating that they're trying to sell the property. He said that he does have something from the general contractor that states the condition of the building. He said we're looking to impose a fine, at this point.

Member Needham asked if the building is occupied.

Mark said yes.

Member Leonard asked if we got the ten day, electrical affidavit that we requested.

Mark said we did and it was found to not be up to Florida code.

Susan Hounsom said on the the June 19th hearing, what was said, did occur. She said under the direction of Mr. Kluttz, we immediately went to an engineer to do an assessment of the building and find out what needed to be done. The engineer is Tom Williams, of Tom Williams Engineering. She said he had to get a concrete engineer, she said the slabs have some Spaulding on them, in the ends. She said in order for the engineer to decide what to do, they had to get a special engineer. Ms. Hounsom said they did, but it took a couple weeks because he had to come from Orlando. She said the plans were getting ready to be done, about two weeks ago. She explained what would be on the plans.

Member Leonard asked Ms. Hounsom, what she has to do with the property.

Ms. Hounsom said she is the rental manager, for the property.

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Ms. Hounsom gave her name and address for the record. She said that she thought she rented the property for 15 years.

Mark put an e-mail from the contractor, on the projector for the board to read. He said it would give the board a better idea, of what Ms. Hounsom is saying. He said she has been renting the property for about 15 years. He said he has affidavits that I presented the first time, from residents that had rented there. The affidavits state all the problems going on in the building. Mark said nothing was happening and that there were e-mail chains proving that. He said the last time that he went out there, previous to this, when I initially went out to investigate this, I spoke with a representative of hers. Mark said he told the representative not to rent it out, until some things were resolved. He said he went back to the property and it was re-rented. He said the new tenants had no idea what was going on.

Member Wild asked if they failed the electrical inspection.

Mark said yes, for Florida code.

Ms. Hounsom said it failed the electrical inspection for the garage; that's where the electrical work was.

Mr. Nelson said at this point, we don't have a safe electrical installation, which is what we were asking for. I would ask that the premises be vacated and we'll give them a 10 day disconnect notice.

Ms. Hounsom said we went to get an electrical permit and the county wouldn't give us one, unless we had a permit for everything. She said we had an electrician actually fix it. What he did was not recognized because he didn't pull a permit for it. When he tried to pull a permit the county turned him down for it; they wouldn't give him a permit to fix one electrical issue.

Member Leonard said right now it's an electrical issue; you have people living in the home with an electrical system that hasn't been approved.

Ms. Hounsom said the electrical that you're talking about, just goes to the washer and dryer and can be disconnected.

Member Leonard said it doesn't make any difference; it's electrical that did not pass.

Mr. Nelson said that's the issue that we have, we have unlicensed electrical work, which causes a safety issue. We asked for a safety affidavit, if we had that affidavit, we'd be over this, but we don't have an affidavit attesting to that. If you knew about this, you should have talked to code compliance or somebody because we would have accepted the August 21, 2019

application from the electrician. He said each one of these violations is its own animal, so I wish someone would have said something. He said it seems like we talk to you, once every month.

Mr. Kluttz explained that he came down from Baltimore and he apologized for not following up on the house. He said he is going to be more involved now. He said the tenant does seem really happy in the house, but we do need to get whatever we need to get done, done.

Member Zahn explained the permitting process to Mr. Kluttz.

Mr. Kluttz said he doesn't expect the tenant to take care of these things.

The Chairman directed Mr. Kluttz to the letter from the contractor, he mentioned the water damage that was occurring.

Member Leonard asked Mr. Kluttz, if he understood that the property is not to be rented because there are life/safety issues. She said it is not safe for the tenants to live there.

Mr. Kluttz said there was a miscommunication, I didn't realize about the electric.

Member Needham suggested that Mr. Kluttz work with the county.

Ms. Hounsom said they did do it, it was just done by unlicensed people.

Mr. Kluttz said from what I understood, we had a licensed electrician come in and look at it. He said he couldn't get a permit because we needed the rest of these drawings, to be able to get permits for everything.

Member Wild said the county said that they would be willing to give you a permit, just for the electrical.

Mr. Kluttz said that's not what I heard.

Mark said staff recommends a fine in the amount of \$50.00 per day, to commence on September 19, 2019; not to exceed \$26, 000.00. He said now that Mr. Kluttz is here, we can meet with staff and see what we can come up with.

The Chairman asked the affidavit or lack of it, triggered the disconnect.

Mr. Nelson said Kerry Leuzinger, Chief Building Official, has the authority to do that, but I would still like it in the motion.

Mr. Kulttz asked for more time.

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Member Wild said the electrical issue, has to be addressed within 10 days.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$26,000.00 total, to begin on September 19, 2019. The board further ordered that an affidavit from a Florida certified electrical contractor, stating that the electrical service is in safe working order, be submitted to the Chief Building Official within 10 days of this hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019188-HENDRICKS RONALD Served

Complaint No. 20190301086

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

Property Location: 47 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000580 Zoning: R-4

Code Compliance Officer - Robert Chayer

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. He said they did an inspection on July 31, 2019. The inspection showed that a lot had been done in the backyard. Robert stated that a lot of stuff on the property has been moved or moved around. He showed the board, his inspection pictures. Staff recommends a second amended order of non-compliance, with a hearing to impose fine to be scheduled for September 18, 2019.

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

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CEB2019189-HENDRICKS RONALD

Served

Complaint No. 20190402035

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

Property Location: 47 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000580

Zoning: R-4

Code Compliance Officer - Robert Chayer

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

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

CEB2019087- FONTAINE JAMES L & PAMELA J

Served

Complaint No. 20181030018

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: 6270 S Atlantic Ave, New Smyrna Beach 32169

Parcel No. 850501310290

Zoning: R-9W

Zoning Compliance Officer - Debbie Zechnowitz

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

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Debbie Zechnowitz, Code Compliance Officer, presented the case. Debbie said Pete could probably give the best update. She said that staff met with the Fontaine's on August 8th. She said they received an e-mail, yesterday from Pete.

Lori Schweitzer gave her name and address for the record. She said she is directly north of the property.

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Pete Zahn, Zahn Engineering, gave his name and address for the record. He said that he had an understanding of how to fix the issue; he said he prepared some plans to that effect. He said they were inadvertently submitted to the county, which worked out okay, because we had an informal review. He said Eric Gebo, Plans Examiner, called him and said they had to meet a certain criteria. Pete said that it wasn't how he had understood it to be. He said he had a meeting on August the 8th. He said they discussed the violation and how they could address it. Pete explained what parts of the wall were approved and what parts were not. He said they realized that the concrete block on the bottom cannot stay. He said they realize that and are ready to remove it.

Pete said he finished the plans, yesterday at 5 o'clock. He said that Mr. Fontaine hasn't even had a chance to review them yet. He said they kept with Mr. Fontaine's ideas, but from there the county has to approve them. Pete said that the wall could be taken down now, because there's no reason not to. He explained that they have three feet, to use as a walkway, but the rest is going away.

Member Wild asked if the intention was to remove the gray part of the wall; to bring the wall down to an acceptable height.

Pete explained what they intended to do with the wall.

Member Wild asked if when the gray part is removed, the wall will be below the maximum height allowed.

Mr. Nelson said yes, the original retaining wall, will be in compliance. He said they would have to put a safety railing.

Pete said he sent a PDF to Chris and Meghan, just so they could see that the plans are done and that we have been diligently working towards it.

Member Leonard asked if they have to have a demolition permit, to remove the wall.

Mr. Nelson said when something is built without a permit, you don't need a demo permit to take it down.

Mrs. Schweitzer reiterated that this has been a long time coming. She said they do not encourage imposing liens on the property, as they do not wish to put their neighbors through any kind of financial hardship.

Pete said they've only been involved with the project for two months.

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

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Based on the evidence and testimony provided, Member Needham **MOVED to issue a First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-282.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

X. Hearings and Presentation of Filed Notices of Violations

CEB2018469-HOWARD JAMES C & KACIE L **Posted**

Complaint No. 20180820068

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: 148 Pelican Dunes Dr, Ormond Beach 32176

Parcel No. 320802000130 **Zoning: R-4**

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was not present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case. He said the notices of violation were posted on the property, in September of 2018. He said the notices of hearing were received. In January the Howard's came in and got a fence permit. The application was submitted and is in plans review. He said I'm sure some comments have been sent back and nothing has been received. Chris went over the pictures with the board. He said the only permit that has been applied for, is the fence. There have been no applications to date.

Member Leonard asked if there had been any contact with the property owners.

Chris said there has been no contact. Staff recommends a finding of non-compliance, with a compliance date of October 2, 2019 and a hearing to impose fine, scheduled for October 16, 2019.

The Chairman said but they did apply for a permit for the fence.

Chris said back in January and it's expired. He said zoning needed additional information, but the property owners haven't done anything.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance with a compliance date of October 2, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the October 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 9 Sections 72-**

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341 (b). After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018470-HOWARD JAMES C & KACIE L

Posted

Complaint No. 20180820071

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

Property Location: 148 Pelican Dunes Dr, Ormond Beach 32176

Parcel No. 320802000130 Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was not present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

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

CEB2018471-HOWARD JAMES C & KACIE L

Posted

Complaint No. 20180820073

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 pool permit)

Property Location: 148 Pelican Dunes Dr, Ormond Beach 32176

Parcel No. 320802000130 Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was not present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

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

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CEB2019055-VAN HORN CECIL & MILAGROS

Served

Complaint No. 20181210056

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

Property Location: 1057 Old Big Tree Rd, Daytona Beach 32119

Parcel No. 533100020091

Zoning: R-4A

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was not present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

Member Hall told the Chairman that he wished to recuse himself, as he knows the property owners.

Mr. Cino said that Member Hall could discuss the case.

Chris said this is for an accessory use without a principal structure. The certified notice of violation and notice of hearing, were both received. Margaret has had conversations with Mr. Van Horn about removing the accessory structure. At first there was progress, but not that progress has stopped. Staff recommends a finding of non-compliance, with a compliance date of October 2, 2019 and a hearing to impose fine scheduled for October 16, 2019.

Chris showed the board the pictures. He said that the fence that can be seen in the pictures, is dividing the properties. He said that he believes that the property on the left is a son and they have the fence. The fence was put up to not see them. He said there are some kind of family issues going on.

The Chairman said the cure is either remove these or build a house.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 2, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the October 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 9 Sections 72-341 (b).** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019185-NAAB DARLENE ROMELLE

Posted

Complaint No. 20181102007

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

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II DIVISION 7 SECTION 72-241 Junk yard where not permitted

Property Location: 1469 E Euclid Ave, Deland 32724

Parcel No. 70150000210 Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He showed the board his pictures. The violation was received on November 8, 2018. On November 9, 2018, Michael received a call from Ms. Naab, who said she needed time to evict her tenants. Michael inspected the property on February 15, 2019; the violation was still present. The property was posted with the notice of hearing on June 26, 2019. Michael inspected the property on August 6, 2019; the violation still exists. Staff recommends a finding of non-compliance, with a compliance date of September 4, 2019 and a hearing to impose fine scheduled for September 18, 2019.

The Chairman asked if it was Michael's opinion that the property has the same tenants.

Michael said I don't think anyone lives there anymore. He explained how many times that he attempted to make contact, to the board. He said that the first tenants said they would clean it up, he said they moved it around and brought different junk in.

Based on the evidence and testimony provided, Member Hall **MOVED to issue an Order of Non-Compliance with a compliance date of September 4, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the September 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Sections 72-241.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019203-BALKO JOHN BAILEY

Posted

Complaint No. 20190326026

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: 2655 Camelia Rd, Deland 32724

Parcel No. 700106080220

Zoning: R-4A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jul 22, 2019

The respondent was present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

John Balko gave his name and address for the record. When Mr. Balko was asked if he wanted to contest or give information, he said that he complied.

Chris said the certified notice of violation was received on April 20, 2019. The property was posted with the notice of hearing on July 22nd. The last inspection was on July 31st. So far, there hasn't been any change that would warrant us bringing the property, into compliance. Staff recommends a finding of non-compliance, with a compliance date of October 2, 2019 and a hearing to impose fine, scheduled for October 16, 2019.

Member Wild asked Mr. Balko if the property is in compliance.

Mr. Balko said he put the Porsche in the garage. He said the other cars in the picture, except for the one that I'm driving, are gone.

The board discussed the best action to take.

Chris said that the violation was not resolved within the 10 day correction period.

Member Wild asked Mr. Balko, if he would be able to maintain the car in the garage.

Mr. Balko said yes. He said it didn't specify which car, he said the Porsche has been there since I bought the house; for nine years. He said it didn't get moved, because someone said they were going to buy it and they never did. He said he had a pick-up truck there that wasn't worth fixing. He said there was no specification about the vehicle that they were talking about; he said unfortunately, I had three there.

The board explained that although Mr. Balko said that the property is now in compliance, it would still be necessary to do an inspection to confirm that.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with Hearing to Impose Fine/Lien to be scheduled for the September 19, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019218-LORD & COLLETT INC **Posted**

Complaint No. 20190325002

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: 6458 Engram Rd, New Smyrna Beach 32169

Parcel No. 850501590250 **Zoning: R-9W**

Code Compliance Officer - Mark Kaufman

Property owner was first notified of the violation on Mar 27, 2019

The respondent was present for the hearing.

Mark Kaufman, Code Compliance Officer, presented the case.

Susan Hounsom gave her name and address for the record. She explained that she is a shareholder in Lord and Collett Inc.

Mark said the most recent inspection was on August 19th. He said the violation is for an unmaintained structure and right now, we're focusing on the deck. He said it's secure and there's a bunch of beams and straps that aren't there; it's unsafe. He said that he spoken with Susan and she has produced, what she's brought here today. Mark said they have drawings that do show, what they need to present to get a permit. He said as far as I know, there has not been a permit application yet. He said she's moving through the administrative procedures to come into compliance. Staff recommends a finding of non-compliance, with a compliance date of September 18, 2019 and a hearing to impose fine scheduled for October 16, 2019.

Ms. Hounsom said she has sealed drawings and the permit was applied for yesterday. She said when she called the county to make sure they had it, they said the engineer hadn't digitally sealed them. She said now the engineer has digitally sealed them.

Member Wild said they still have to be reviewed by the county.

Ms. Hounsom said all I'm saying is the application is in.

Member Zahn explained the review process.

Ms. Hounsom said that part of the reason that it took so long, was that the engineer drew it as it was. She said she was alerted by the county that a couple of the posts, sit inside

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of the setbacks. She said they had to get the drawings, drawn all over again and put the balcony on the side of the house. She explained that she found the setback issue.

Mr. Nelson explained what is considered compliance, to the board.

After the motion was made, Ms. Hounsom asked about the dates on the orders, from previous hearings.

Mr. Nelson said that Ms. Hounsom could have all the records, she just needs to request them.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 10, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the October 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Sec. 58-3.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019222-LEBLOND GLENN & LINDA J **Served**

Complaint No. 20190510010

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: 24 Silk Oaks Dr, Ormond Beach 32176

Parcel No. 322707000340 **Zoning: R-4**

Code Compliance Officer - Robert Chayer

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

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Glenn Leblond gave his name and address for the record. He said that he is not contesting that he was in violation, before he received the notice. He said he is now in compliance.

Robert provided copies of affidavits that were signed by the neighbors, to the board. He said both the notice of violation and hearing were received. He said the most recent inspection was on July 16, 2019. Robert explained that his first slide on April 14, 2019, showed that there was a car from Ohio; he said when he spoke to the renter, they said that they were renting the property for 10 days. He showed a picture from May 29, 2019, that showed a different car in the driveway. Robert said on July 1, 2019, he received an e-mail from the owner that said currently, this property is not available for rent for periods not less than 30 days only. Robert said he went on the site to confirm that information and it was correct. He said that he tried to rent the property for less than 30 days, but a

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box came up that said... "a minimum stay of 30 days, at this time." Robert said on July 15, 2019, he received an e-mail from the owner, stating that for the next 30 days or so the website will be accessible to the public. He said as you can see, its set up for periods no less than 30 days. He said the calendar has been blacked out completely and the outstanding rental agreements have been voided. Robert sad that Mr. Leblond said they will no longer be renting the property for less than 30 days. Robert said he wasn't able to book anything at that time.

On July 16, 2019, people on site said they were friends of the owners and they could stay as long as they like. Robert said he's had contact with the neighbors, who provided the affidavit.

Sharon Mize gave her name and address for the record.

The Chairman said that Ms. Mize has provided a thumb drive to staff, for the record.

Mr. Leblond said he provided a thumb drive as well.

Mr. Brown said for the record, we have to make sure we put these online for the case.

Ms. Mize said she lives across the street and there has been continuous activity, starting last summer. She said most renters are there for 2 or 4, days. She said she's witnessed herself or through pictures, at least 17 incidences, from January 4th-July 16th. She said she was out of town during that period. She said that she has all the reviews from VRBO, through July of 2018-April of 2019.

Member Wild asked Ms. Mize to talk about, the most recent activity that she observed.

Ms. Mize said probably over the springtime.

Member Wild asked what occurred.

Ms. Mize said it's slowed down, it seems like there was just one truck that was there for a couple weeks, this month.

Member Wild asked if most of the others were longer.

Ms. Mize said the longest anybody stayed was maybe a week. She said there were gentleman from Germany that stayed for a week. She said it's a two bedroom house and they rented it to the seven of them.

The Chairman said in 3 months, how many different renters have you seen. He said you don't have to stay there for 30 days, but you can't rent it anyone else for 30 days. He explained that you could rent it for less than 30 days, but not again in a less than two August 21, 2019

week time span. He asked Ms. Mize if she saw it more frequently than that.

Ms. Mize said yes. She directed the board to her pictures, from the thumb drive that she provided to staff.

The Chairman said and just for the record, you took these photos, you created this PowerPoint and so the dates associated with the photos are you're testimony.

Ms. Mize said yes, sir. She said the photos were taken from across the street.

Mr. Brown said Ms. Mize, your testimony is that not only, have you seen these cars, but you've also talked to people at various times; who have told you that they have rented it for less than 30 days.

Ms. Mize said no, my husband did speak to one lady; I have not really had personal contact.

Mr. Brown said you didn't speak to the 7 German people, you just mentioned.

Ms. Mize said no I did not.

Member Needham asked Ms. Mize, if her husband spoke with them.

Ms. Mize said her husband spoke with one lady from Tennessee. She said I think it was probably, last fall.

Member Leonard said you said this was all happening in the spring, but some of your pictures are definitely summer; June, July. She said it was later than just spring.

Ms. Mize said she started taking the pictures in January; it was going on last fall.

Member Leonard said but your testimony was that you didn't see much past spring, but these pictures actually show things past spring.

Ms. Mize said yeah.

The Chairman said they can rent for more than 30 days?

Mr. Brown said under our code we define short-term rentals by the definition of hotel/motel; hotel/motel is defined as transient lodging in less than 30 days in duration for rental.

Doug Kinney gave his name and address for the record. He said he sees people coming in and out of that house on a regular basis. Mr. Kinney said that he explained to the August 21, 2019

property owner that she was in code violation of renting your place for two and three days, during an open house. Mr. Kinney said that property owner said, "I do what I want."

Mr. Brown said Mr. Kinney, just for the record, the "her" you're referring to, is Ms. Linda Leblond?

Mr. Kinney said yes, it is. He said I'm outside a lot and he noticed people coming out of the house; he said he'd them if they knew the owners of the house. He said they would say no, they rented it from the VRBO website. He said he can attest to what Sharon said; people are in and out of there all the time.

Sam Mize gave his name and address for the record. He said you've heard from my wife, Sharon. He said to just to add to and reiterate what she says. He said as we live there full-time, it's hard to overlook the numbers of cars and people that occupy the home. He said that he has witnessed people there for one day/one night. He said we have security concerns.

The Chairman asked Mr. Mize, if there were three different parties in less than three months.

Mr. Mize said I've seen three different parties, in less than one month.

The Chairman said so, it couldn't have been a 30 day, 30 day and 30 day.

Mr. Mize said no and that he's noticed a great number of people, for a house that size.

Mr. Brown said your wife testified that you had a conversation with one of the leasees.

Mr. Mize said he spoke to a lady and a conversation ensued. He said he asked her, how long she was saying. He said she said, six days.

Mr. Leblond's thumb drive was opened, for the board to view. He said I'm not here to contest that I was in violation, prior to receiving the notice. He said he was not aware on the conversation, where my wife said, "I'll do what I want." He said that he became acutely aware of the situation, just prior to receiving the violation. He showed the board his exhibit A. He showed the board exhibit B. Each exhibit showed that the advertisement for the rental, was changed to 30 days or more. Exhibit C was a cancelation notice, showing that the renters had to make other arrangements.

The Chairman reiterated what Exhibit C said.

Mr. Leblond said that is correct. Exhibit D was another cancelation notice. Exhibit E is e-mail correspondence. He said that Robert asked him in an e-mail to get in touch with him August 21, 2019

about the violation, by the 15th. Mr. Leblond read the e-mail that he sent Robert, on the evening of the 14th. He said his only point was, he did respond by the 15th. He said he received a notice to appear here on the 16th. He explained what Exhibit F was to the board.

He said after listening to the audio from previous code enforcement board hearings, he said there's little notes on the webpage that say, "...if you want to rent for less than 30 days, then contact the owner." He said we're not doing that; we intend to comply. He said if you try to rent this place for less than 30 days, you can't do it. He said his wife is a nurse and they're in contact with travelling nurses and they hope to rent to them, as there usually on assignment for 6 weeks or more.

The Chairman asked Mr. Leblond, when he feels that he made these changes, to be compliant.

Mr. Leblond said there were a few people that stayed for less than a week, after the 10 days. He said within the last 30 days, we have been in compliance, totally.

Member Wild said basically your testimony was, you had been out of compliance for a certain period of time, but you have now brought yourself back into compliance. He said I will assume that you will continue to remain in compliance.

Member Leonard asked Mr. Leblond, if his management company was on board.

Mr. Leblond said when we signed up with this particular organization they told us, the first thing they do is check the ordinances and make sure you're not doing anything wrong. He said they never told us anything. He said and then when we came back and asked them about it, they said that's up to you to look into. He said we intend to retire here. He said for the record, the 7 Germans that stayed there are my wife's cousins. He said one of them is; they travel here from Germany and they stayed there as a graduation celebration.

The Chairman said that happens with these cases, the family gets mixed in with the renters.

Member Leonard asked if the management company is taking care of the rentals, or if you are.

Mr. Leblond said we're switching over; we still have it listed with these folks but we're working with them much more closely. He said you can see that the website is being maintained the way that it needs to be. He said his wife monitors pretty much everything, every day.

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Member Needham said so there will be no case of less than 30 days, or you would be aware of it?

Mr. Leblond said as the board has determined, it is three people staying there within a 60 day window. He said that's not to say that one person stays there for a week and another person stays there for a week following that; he said I'm hoping that if that happens that its not in a 60 day window and there's non-compliance.

Mr. Brown said just so we're clear it's one person's opinion; the board didn't determine that three within 60 days. I'm not sure that's necessarily true. He said I just want to be clear for the record, it's the evidence presented as to whether there is substantial complete evidence that a violation has been found, based on we regulate short-terms rentals is hotel/motel, less than 30 days of transient lodging. He said I know that's a lot of words, but I just want to make it clear that the board has not made a determination that if only three people stay within 60 days, it's not a violation.

Mr. Cino said the board is no giving you advice, sir.

Mr. Lebond explained that they wish to comply.

After the motion was made, Mr. Brown explained what a repeat violator is, to Mr. Leblond.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance and Order of Dismissal for Violating Volusia County Code of Ordinances, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019223-WHEELER JAMES

Served

Complaint No: 20190513063

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: 1729 N Clara Ave, Deland 32720

Parcel No. 603313000050

Zoning: R-3A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 10, 2019

The respondent was not present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case. He said we've been receiving constant complaints on this property. He said both the notice of violation and the notice of hearing were received. Margaret's last inspection was on August 9th and everything was still out there. He showed the board a picture of the RV. He explained that

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the RV might look different, but it's one RV or another. He said we have a suspicion that they may have an RV cleaning business, but we can't quite nail that one down. He said this one has been there quite some time; you can see the power hooked up to it. He said as of the 9th, it was still there and still hooked up. Staff recommends a finding of non-compliance, with a compliance date of September 4, 2019 and a hearing to impose fine scheduled for September 18, 2019.

Based on the evidence and testimony provided, Member Leonard **MOVED to issue an Order of Non-Compliance with a compliance date of September 4, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the September 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-287.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019224-WHEELER JAMES

Served

Complaint No. 20190513062

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

Property Location: 1729 N Clara Ave, Deland 32720

Parcel No. 603313000050

Zoning: R-3A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jun 10, 2019

The respondent was not present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

Based on the evidence and testimony provided, Member Leonard **MOVED to issue an Order of Non-Compliance with a compliance date of September 4, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the September 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-287 (C).** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2019229-HARRIS EUNICE L

Served

Complaint No. 20190613049

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

Property Location: 241 Miller Rd, Deland 32724

Parcel No. 701022000080

Zoning: R-4A

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

Bill Harker, son-law, gave his name and address for the record. He said Ms. Harris passed away 4 years ago and they inherited the property. He said he was not informed of any laws that said he had to pull a permit to put in an above-ground swimming pool.

The Chairman asked Mr. Harker, if he is contesting that the violation occurred.

Mr. Harker said yes.

Chris said they received a complaint about an above-ground pool without permits. He said both the notice of violation and the notice of hearing were received. The last inspection was on August 9th and the pool was still there. He showed the board pictures of the pool. Staff's recommendation is a finding of non-compliance, with a compliance date of September 4, 2019 and a hearing to impose fine scheduled for September 18, 2019.

Member Wild said it is to my understanding that you need a permit for any above-ground pool.

Chris said that is correct.

Member Leonard asked if there was water in the pool.

Chris said yes.

Mr. Nelson said by definition, if it's over 24 inches deep and intended for swimming, it is defined as a pool. A pool is one of the things defined by the Florida Building Code, as needing a permit. He explained that the National Electric Code, has special requirements in it for above-ground pools etc.

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Mr. Harker said I have the county codes from off the internet, and it does not say we need a permit. He gave the print-out to the board. He said as far as I know, I was legal. The Chairman said what may be confusing, is that the document you provided says where and the Florida Building Code, says how.

Mr. Harker said we bought it at Walmart

The Chairman said you can buy a shed at Walmart. He explained that you can buy items from stores and it could trip the threshold of needing a permit. The Chairman said you may simply need a permit.

Mr. Harker said they can't get a permit, because the property is still in Ms. Harris's name.

Mr. Cino said I don't see what the problem is, if they're related.

Mr. Nelson explained why they can't pull a permit. He said they're not the owners of the property. He said a pool contractor could pull the permit.

The Chairman asked if they could pull the permit at the Power of Attorney, for the owner.

Mr. Nelson said no. He said they could take the pool down, until they have ownership of the property and then get a permit and put the pool back up again.

The Chairman said or, get a pool contractor that will help you with that permit.

Mr. Brown asked Mr. Harker, if they're gone through probate and if they're in the process of getting it put in their name?

Mr. Harker said they don't have the money. He said his wife just had heart surgery.

Ms. Janet Harker said she said, we have to stay together for 10 years before we can have it. So we have to wait 10 years.

Mr. Brown said so she left it with a will. Is that what you're saying?

Ms. Harker said yes.

Mr. Brown said there's a condition that you have to fulfill; okay. He asked if the house was in a trust.

Ms. Harker said no, it's legally ours; we haven't put it in our name yet, because she wanted us to wait ten years.

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Member Wild said that's on the will.

Ms. Harker said yes.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of September 4, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the September 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019238-BRAUNSTEIN JORDAN & ELAINE NGUYEN Posted

****REPEAT VIOLATION****

Complaint No. 20190729014

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

Property Location: 122 Ocean Grove Dr, Ormond Beach 32176

Parcel No. 322104000330 Zoning: R-4

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Aug 5, 2019

Mr. Brown asked for a continuance, on behalf of the respondent's legal counsel.

Based on the evidence and testimony provided, Member Zahn **MOVED to continue this case to the September 18, 2019 hearing.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019239- JCHS ASSOCIATES LLC Posted

Complaint No: 20190513003

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: 19 Julie Dr, Ormond Beach 32176

Parcel No. 3216-08-00-0080 Zoning: R-4

Code Compliance Officer - Robert Chayer

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

Mr. Brown asked for a continuance, on behalf of the respondent's legal counsel.

Based on the evidence and testimony provided, Member

Based on the evidence and testimony provided, Member Zahn **MOVED to continue this case to the September 18, 2019 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

August 21, 2019

CEB2019243- RATCLIFFE ANN

Posted

Complaint No. 20190122033

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

Property Location: 1017 Lake Ashby Rd, New Smyrna Beach 32168

Parcel No. 8211-01-01-0053

Zoning: A-3

Code Compliance Officer - Robert Chayer

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

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Ann Ratcliffe gave her name and address for the record. She said that she did not wish to contest the violation, as she is in non-compliance.

Robert said that the property is a junkyard and unmaintained/unsafe structure. He said both the notice of violation and the notice of hearing were received. He said his most recent inspection was on July 31, 2019. Robert explained his pictures to the board. He showed them an internal picture. He said that Animal Control took it, because they had a warrant to go to the house and check on the well-being of some animals. He explained their pictures to the board. Staff recommends a finding of non-compliance and dismissal. He explained that the property is already scheduled to go before the CLCA.

The Chairman asked Ms. Ratcliffe if she's living there.

Ms. Ratcliffe said yes.

The Chairman said you're living in the structure that's photographed, or is there another house on the property.

Ms. Ratcliffe said nope, that's it.

The Chairman said that's your structure.

Ms. Ratcliffe said yes.

Member Zahn asked if the CLCA meant demo.

Mr. Cino said not necessarily.

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Mr. Nelson said yes; condemnation and it would give the Building Official authority do whatever is necessary to bring it in compliance. He said we're not in the business of kicking people out in the street, so we'll find whatever assistance we can and try to direct her to it. He said obviously, Ms. Ratcliffe has to accept some kind of assistance. He said staff is working on that. He said as far as the process, we do have a complaint and we have to act on it, as an unsafe/unlivable condition. He said I understand what your concern is and it's ours also.

Robert said we're in the process as well, with other agencies that we've contacted. He said they've talked to Human Services and other agencies that are available.

Member Leonard asked Ms. Ratcliffe is she understood what they're talking about and what's been happening.

Ms. Ratcliffe said yes; she said they left information with what was posted on the property about some services. She said she makes \$288.00 too much a month, to take advantage of any of those.

Member Leonard said you understand when it goes to the other agency that they will be trying to help you?

Ms. Ratcliffe said they gave her a whole packet of information.

The Chairman asked Ms. Ratcliffe if there was anything that she'd like to add.

Ms. Ratcliffe said they did leave her quite a bit of information on what would be available for services. She explained that she made too much money to qualify for those services.

The Chairman said they want to help improve her living situation.

Robert said we're going to continue to look.

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

CEB2019244- RATCLIFFE ANN

Posted

Complaint No. 20190122036

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

August 21, 2019

Property Location: 1017 Lake Ashby Rd, New Smyrna Beach 32168

Parcel No. 8211-01-01-0053 Zoning: A-3

Code Compliance Officer - Robert Chayer

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

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order of Non-Compliance and Order of Dismissal for Violating Volusia County Code of Ordinances, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE.**

After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019246- MAIHLE RONALD

Served

Complaint No. 20190730045

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

Property Location: 1718 Evergreen St, Ormond Beach 32174

Parcel No. 424235020061 Zoning: R-5

Code Compliance Officer - Robert Chayer

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

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. He said both the notice of violation and the notice of hearing was posted on the property. His most recent inspection was on August 8, 2019. He showed the board a picture of the electrical service that was in place, while he was there. He said that he believes this property had a residence on it that was removed. He said there is still a concrete slab there, from where it was. He said that Mr. Maihle came in and obtained an electrical permit, so that he could start construction on the new house. Robert said at that time, Mr. Maihle was supposed to provide the county with plans to start building the house, but those plans never materialized.

Robert said Mr. Maihle brought an RV onto the site and plugged the RV into it. He said they had an inspection and it turns out that it was a 200 amp service. He said another inspection showed that he turned it into a 60 amp service. He said at that point, it failed and the power was cut. He said that permit has expired.

Member Needham said so there's no power to the property.

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Robert said correct.

Member Zahn asked if the construction was the service.

Robert said yes.

Member Zahn said so the extent of the violation is an electrical service panel that's been put up without a permit.

Robert said that is correct. The permit has expired on it.

Member Zahn recapped the case.

Ronald Maihle gave his name and address for the record. He said that last time he was here, was in April and he was given 90 days to get some kind of plan for putting a house on the property. He said he was doing well, but at the end of May, his father-in-law passed away. He said that took a lot of his time and then his father passed away in July. He said he had never missed a meeting, but the July meeting was only 10 days after. He said if he had been able to be at that meeting, he could have explained what was going on. He said since then, he hasn't had a place to live and they've been living on the property. He said the power was shut off and now we're trying to find a temporary place to live.

Mr. Maihle said he went to a log cabin expo in St. Augustine. He said he has a sales agreement for a log cabin kit. He said he asked the permit department, if a log cabin is acceptable before he even went and they said it was. He said I'm going to get this log kit, check with permitting and get the architectural plans. He said that he's going to get everything that they need to pull a permit to put a house on the property. He said as far as the electrical goes, it was in compliance. He said he just didn't get the final inspection done, because of the deaths in his family. He explained why he failed the inspection, when it finally was inspected. He said he has a picture of the new 60 amp service, but the power is out. He said once he gets the permit to put the home in there, everything will come into compliance.

The Chairman said earlier today, we had an order of compliance for a similar violation on the same property. He said that came into compliance, but now we have a new case.

Chris Hutchison, Code Compliance Manager, said I believe what that was, was an accessory on the property and it was removed. He said this one deals with the electrical.

The Chairman asked Mr. Maihle when would be able to get everything ready for the home kit.

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Mr. Maihle said I can have it delivered as soon as, December. He said the plans should come within 30 days, of the down payment. He said he should have architectural plans submitted for a permit, in 60 days. He said I'm going through with this log home, its perfect.

The Chairman asked if he had a survey of the property.

Mr. Maihle said yes.

Member Leonard asked if Mr. Maihle was pulling the permit himself or the company that's putting the home in, going to do it.

Mr. Maihle said it will be an owner/builder.

Member Zahn asked if the 60 amp service, were to be removed if the violation would be brought into compliance.

Robert said yes.

Member Zahn said you can either remove it, or get a permit. He said you can't get a permit because it's an accessory, so you have to remove it to come into compliance. He said or you have plans for a permit, if so it's permittable.
Robert said that's what we did the first time, yes.

Mr. Nelson said that's not normal practice. I'm not sure why we issued a limited use-electrical permit for 6 months.

Mr. Maihle said I can take the electrical panel off the pole and be in compliance.

Member Zahn said as far as I know.

After the motion was made, Robert said the tentative delivery date of the cabin is December 15, 2020.

The Chairman advised Mr. Maihle to find out about the delivery date, whether its 2019 or 2020.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 2, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the October 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 110.1.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.
August 21, 2019

CEB2019247- MAIHLE RONALD

Served

Complaint No. 20190725045

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

Property Location: 1716 Evergreen St, Ormond Beach 32174

Parcel No. 424235020051

Zoning: R-5

Code Compliance Officer - Robert Chayer

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

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. He said there's trailers and tents and things that have been erected on the property. He said both the notice of violation and the notice of hearing were posted. The last inspection was on July 31, 2019. He directed the board to the last picture. He said you can see the tents on the property. Robert said the two properties are right next to each other and he obviously, melds them into one property, but they are separate.

Mr. Maihle said the two properties were deeded separately. He said he is going to have the two properties combined. He said that'll solve the problem, when construction commences. He said he will talk with zoning today.

The Chairman said the tents are still going to be an issue. He said the trailer maybe, with an active construction permit.

Robert said until there's a building permit, there still accessories without a primary structure.

Member Zahn said even if you combine the lots, they're still isn't a primary structure.

Mr. Nelson said trailers are allowed with a permit; tents are not.

Mr. Maihle said most of the things under those tents are to build the house. The tents aren't structures, they're there to keep it dry.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 10, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the October 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-277 (C).** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

August 21, 2019

XI. Requests for Discussion of Accumulated Fines

CEB2019064-DEKANCHUCK LORI ANN

Served

Complaint No. 20190213087

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Junk yard where not permitted. (Scrapped metal, rubber tires, glass, wood scraps, plastic, tools, equipment, fixtures, appliances, construction materials, automobile parts, and/or discarded automobile.

Property Location: 1495 N Us Hwy 17, Seville 32190

Parcel No. 48050000060

Zoning: B-4

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

Request to Discuss Fine That is Due to Start on August 22, 2019

The respondent was present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

Harry Dekanchuck gave his name and address for the record. He said I was under the impression from the May hearing that I was supposed to give a progress report in June. He said I've been moving and progressing and getting the stuff off. He said I only have me and another person helping me. He said I can't get rid of some of this stuff, until the state tells me. He said in order to get rid of them, I have to have proper paperwork. He said I've gotten rid of 14 cars, the motor home and the 53 foot tractor trailer. Mr. Dekanchuck said he can take three more cars to the scrap yard and dismantle them today. He said he has the certificate of destruction for them. He said he's gotten rid of the tires and the trash as well.

Mr. Dekanchuck said the pictures in the presentation are old.

Chris said the pictures are from August.

Mr. Dekanchuck said if you go by that area now, the area by the pole, nothings there. He said there's one box I have to lift up and put it on the truck. He said the three trucks in the picture, are to be picked up by the customer.

Member Wild asked Mr. Dekanchuck, if he feels that he's in compliance with any of the cases. He asked about the junkyard and converting the accessory structures violations.

Mr. Dekanchuck said he's not a junkyard and he's not converting accessory structures.

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He said he's not converting any junk trailers into accessory structures. He explained that one of the trailers in the picture is gone and the other is a generator.

Member Wild said at some point that has to be gone.

Mr. Dekanchuck said but it's a piece of our equipment; it's not a structure.

The Chairman said if I recall correctly, there's one property near the intersection, where the building is, that is possibly allowed to have these things. He said but then there's this adjacent property that isn't allowed to have anything.

Mr. Dekanchuck said right, which you have already issued fines on that. He said I am in the process of getting rid of everything over there. He said it's ten times clearer than it was.

The Chairman said are we discussing the property that has the building on it?

Mr. Dekanchuck said yes.

Chris said we're discussing 1495 N Us Hwy 17 the property that's right here, in these photographs. He said it's not the actual shop.

Mr. Dekanchuck said everything on there, is not on that property.

Chris said that was told to us, at the last hearing too. He said our inspections and the most recent inspection that was done on August 5th, shows that very little has been done.

Mr. Dekanchuck said a lot has been done.

The Chairman said, since August 5th.

Mr. Dekanchuck said as of July 24th, I was able to get rid of 10 more vehicles. He said that the area near the pole, is the 1475 property. He said all of this stuff here, is on 1475. He said he's been working since we came here, on cleaning up 1495. He said he's trying to clean up 1495 to avoid fines, like the ones he has on 1475. He said he's still working on 1475, but he jumped to 1495 to avoid fines. He again showed the board the property line, he explained that some of the items had been removed.

Member Wild He said I'm trying to go through each of these cases and hopefully, on one of them you've complied.

Mr. Dekanchuck said that'll be great.

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Member Wild said the first one we have is maintaining the RV.

Mr. Dekanchuck said gone.

Member Wild said is that gone, or do you have others?

Mr. Dekanchuck said none. He said no boats; no RVs.

Member Wild said the next one is, vehicles that are inoperative, without the current state license tag.

Mr. Dekanchuck said I still have some. He said he has to file paperwork with the state and it takes anywhere from 35-50 days, to get the paperwork back. He said the paperwork is complicated and if they make a mistake, they have to do it all over again.

The Chairman said they have situations like that all over the county.

Mr. Brown said you've mentioned you've gotten rid of 14 cars, a boat, a trailer and an RV; have you added any, since then?

Mr. Dekanchuck said no.

Mr. Brown said your testimony is that you brought no new vehicles into the properties.

Mr. Dekanchuck said no.

Member Zahn said what'd before us, is a discussion about the fine that is supposed to start tomorrow. He explained that Mr. Dekanchuck has brought them new information about the property, before the fine is about to start tomorrow, rather than after the fact. He said then we send an inspector out there today.

Mr. Dekanchuck said I'm not going to be perfect.

Mr. Nelson said if I recall, the last time the gentleman was here, we asked him to call for an inspection when he was taking care of some of these things; not to come the day of the hearing and say he has compliance, because that's what happened last meeting we were at. He said we were putting pictures on the overhead, from his phone. We asked him to please be in contact with staff and ask to come out and do inspections, when you're removing some of this stuff.

Mr. Dekanchuck said I did and Chris Hooper had changed jobs. He said I spoke with the new lady and she said there was no need for her to come out there right now; that she would take photos before the meeting.

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Member Zahn said here's how I feel about this, your testimony is that you've made some progress and it sounds like its substantial progress. He said I don't feel like it's warranted to change the fine from starting tomorrow, but if staff goes out there and they say there's been progress, the first thing we need is compliance. He advised Mr. Dekanchuck to keep records of when the state slowed the progress of removal. He said then come in and plead your case. Member Zahn advised Mr. Dekanchuck to take pictures with dates on them, so that you're in a position to say that you've been working diligently. He advised Mr. Dekanchuck to work with staff. He said at this point, we're not in compliance and there's no need to keep kicking the can down the road.

Mr. Dekanchuck said I may not be in compliance, but I'm not stagnant.

The Chairman asked Chris, the county's recommendation, based on the last inspection that was conducted. He asked Chris if he took the photos.

Chris said no, Margaret took the photos.

The Chairman said based upon that inspection and what staff has said to you, they're not in compliance, as of August 5, 2019.

Chris said that is correct.

The Chairman said of these five cases.

Chris said that is correct.

Member Wild said does that include the RV?

Chris said that includes all cases.

The Chairman said on August 5th, all five cases were not in compliance, however Mr. Dekanchuck is stating that he may be in compliance with a couple of these.

Mr. Dekanchuck said at least one; I'm not sure about the other ones.

The Chairman asked that staff inspect the property, so that the next meeting we're reading one or two of them into compliance. He said the fines will begin tomorrow on the ones that are not in compliance.

Chris said he's made a note to have Margaret go out and inspect and the RV is in compliance, she will back date the compliance date. So that it will be before the fine starts. He said we'll put it down for today, because that's the time he's telling us.

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The Chairman said we don't have to take any action now, because you're not in compliance.

Mr. Dekanchuck said he welcomes staff to inspect the property. He asked what the fine amount is.

Mr. Brown told Mr. Dekanchuck that he should have already received his notices, with the amounts and the total caps.

The board took **NO ACTION**

CEB2019065-DEKANCHUCK LORI ANN

Served

Complaint No. 20190214037

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Converting junk trailers into accessory structures for storage.

Property Location: 1495 N Us Hwy 17, Seville 32190

Parcel No. 48050000060

Zoning: B-4

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

Request to Discuss Fine That is Due to Start on August 22, 2019

The respondent was present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

The board took **NO ACTION**

August 21, 2019

CEB2019066-DEKANCHUCK LORI ANN

Served

Complaint No. 20190214038

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

Property Location: 1495 N Us Hwy 17, Seville 32190

Parcel No. 48050000060

Zoning: B-4

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

Request to Discuss Fine That is Due to Start on August 22, 2019

The respondent was present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

The board took NO ACTION

CEB2019067-DEKANCHUCK LORI ANN

Served

Complaint No. 20190214039

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: 1495 N Us Hwy 17, Seville 32190

Parcel No. 48050000060

Zoning: B-4

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

Request to Discuss Fine That is Due to Start on August 22, 2019

The respondent was present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

The board took NO ACTION

August 21, 2019

CEB2019068-DEKANCHUCK LORI ANN

Served

Complaint No. 20190214040

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: 1495 N Us Hwy 17, Seville 32190

Parcel No. 48050000060

Zoning: B-4

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

Request to Discuss Fine That is Due to Start on August 22, 2019

The respondent was present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

The board took NO ACTION

August 21, 2019

Requests for Discussion of Fines

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

* * * * *

ADJOURNMENT

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

Respectfully submitted,



Meghan Lindsey
Code Enforcement Board Clerk

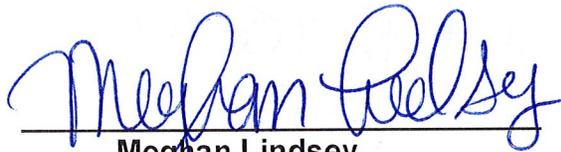
August 21, 2019

CERTIFICATE

STATE OF FLORIDA:
COUNTY OF VOLUSIA:

I, Meghan Lindsey, Code Enforcement Board Clerk, do hereby certify that the foregoing pages constitute a true and accurate transcript of the minutes of the Volusia County Code Enforcement Board taken on 8/21/19, at 123 West Indiana Avenue, Deland, Florida.

WITNESS MY HAND this 30th day of October, 2019, in the City of DeLand, County of Volusia, State of Florida.



Meghan Lindsey
Code Board Clerk

August 21, 2019