



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

September 15, 2021

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

MEMBERS PRESENT

**Chad Lingenfelter, Chair
Clement Nadeau
Vikki Leonard
Donald Needham
Pete Zahn
Rick Dwyer
Charles Cino, Board Attorney**

MEMBERS ABSENT

Andrew Hall, Vice-Chair

STAFF PRESENT

**Kerry Leuzinger, Chief Building Official
Sebrina Slack, Assistant County Attorney
Margaret Godfrey, Code Compliance Officer
Isiah Pitts, Code Compliance Officer
Robert Chayer, Code Compliance Officer
Peter Hinson, Code Compliance Officer
Fred Eastwood, Code Compliance Officer
Samantha West, Environmental Specialist III
Julie McCrystal, Environmental Specialist II
Ramona Jones, Code Board Clerk
Tom Legler, Deputy Building Official
Paul Traider, Contractor Licensing Investigator
Shane Lanoue, Fire Marshal**

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APPROVAL OF MINUTES

Member Nadeau moved to approve the minutes from the August 18, 2021 hearing. Member Zahn seconded the motion which carried unanimously by voice votes.

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

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IX. Unfinished Business

CEB2012120-MILSTEAD NICHOLAS

Posted

Complaint No. 20120924031

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

Property Location: 1710 Pine Av, Deland 32724

Parcel No. 603507000230

Zoning: R-4

Building & Zoning Compliance Officer – Building Compliance

Property owner was first notified of the violation on Sep 25, 2012

*The Enforcement Official continued this case from the September 18, 2013 hearing:

*Order of Non - Compliance issued at the January 15, 2014 hearing:

*Final Order Imposing Fine Lien issued at the February 19, 2014 hearing:

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

Order of Compliance

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

CEB2015090-ANDERSON, WAYNE

Sheriff Served

Complaint No. 20150717004

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

Property Location: 725 Deland Av, Orange City 32763

Parcel No. 800401620230

Zoning: R-4

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Jul 27, 2015

*Order of Non - Compliance issued at the October 21, 2015 hearing:

*Final Order Imposing Fine Lien issued at the December 16, 2015 hearing:

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

Order of Compliance

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

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CEB2015092-ANDERSON, WAYNE

Sheriff Served

Complaint No. 20130731009

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: 725 Deland Av, Orange City 32763

Parcel No. 800401620230

Zoning: R-4

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Mar 14, 2014

*Order of Non - Compliance issued at the October 21, 2015 hearing:

*Final Order Imposing Fine Lien issued at the December 16, 2015 hearing:

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

Order of Compliance

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

CEB2015093-ANDERSON, WAYNE

Sheriff Served

Complaint No. 20130731008

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: 725 Deland Av, Orange City 32763

Parcel No. 800401620230

Zoning: R-4

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Mar 14, 2014

*Order of Non - Compliance issued at the October 21, 2015 hearing:

*Final Order Imposing Fine Lien issued at the December 16, 2015 hearing:

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

Order of Compliance

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

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CEB2015094-ANDERSON, WAYNE

Sheriff Served

Complaint No. 20130731005

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

Property Location: 725 Deland Av, Orange City 32763

Parcel No. 800401620230

Zoning: R-4

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Mar 14, 2013

*Order of Non - Compliance issued at the October 21, 2015 hearing:

*Final Order Imposing Fine Lien issued at the December 16, 2015 hearing:

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

Order of Compliance

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

CEB2016081 - Van Cleeff Danny Richard

Posted

Complaint No. 20151231007

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: 1548 Granada Ave, Daytona Beach 32117

Parcel No. 424219110170

Zoning: R-5

Building Compliance Officer – Margaret Godfrey

Property owner was first notified of the violation on

*Order of Non - Compliance issued at the June 15, 2016 hearing:

*1st Amended Order of Non-Compliance issued at the August 17, 2016 hearing:

*2nd Amended Order of Non-Compliance issued at the September 21, 2016 hearing:

*Final Order Imposing Fine Lien issued at the January 18, 2017 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 23, 2019:

Order of Compliance

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

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CEB2017352 - CRABTREE RANDY HOWARD

Served

Complaint No. 20171016008

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(1)(C) Accessory building or structure on lot that does not have a completed principal structure. (Several abandoned vehicles along with a dilapidated lean-to and an RV

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Code Compliance Coordinator - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the March 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 August 15, 2018 hearing:

*4th Amended Order of Non-Compliance issued at the October 3, 2018 hearing:

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

*6th Amended Order of Non-Compliance issued at the June 19, 2019 hearing:

*7th Amended Order of Non-Compliance issued at the September 18, 2019 hearing:

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

*A Report and Affidavit of Compliance was submitted with a compliance date of April 13, 2020:

Order of Compliance

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

CEB2017354 - CRABTREE RANDY HOWARD

Served

Complaint No. 20171016007

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). (Double wide mobile home without permits

Property Location: 303 N Janice Ln, Ormond Beach 32174

Parcel No. 412404000010

Zoning: MH-4A

Code Compliance Coordinator - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the March 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 August 15, 2018 hearing:

*4th Amended Order of Non-Compliance issued at the October 3, 2018 hearing:

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

*6th Amended Order of Non-Compliance issued at the June 19, 2019 hearing:

*7th Amended Order of Non-Compliance issued at the September 18, 2019 hearing:

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

*A Report and Affidavit of Compliance was submitted with a compliance date of April 13, 2020:

Order of Compliance

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

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CEB2018302 - 30 RAYMONDE CIRCLE LLC

Served

Complaint No. 20130327018

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). (Interior remodel and renovations)

Property Location: 30 Raymonde Cir, Ormond Beach 32176

Parcel No. 322804000680

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jul 18, 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:

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

*3rd Amended Order of Non-Compliance issued at the February 19, 2020 hearing:

*4th Amended Order of Non-Compliance issued at the May 20, 2020 hearing:

*5th Amended Order of Non-Compliance issued at the November 18, 2020 hearing:

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

*Final Order Imposing Fine Lien issued at the August 18, 2021 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 27, 2021:

Order of Compliance

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

CEB2020232 - Douglas S and Kristy M Harrell

Served

Complaint No. 20200925037

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. (Unpermitted structure crossing over the property line

Property Location: 1350 Hamilton Ave, Orange City 32763

Parcel No. 800304040010

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

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

Order of Compliance

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

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CEB2021154 - SMITH TAMMY & WILLIAM

Served

Complaint No. 20210525081

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Property appraiser has this listed as a 3 bed, 2 bath home and it is advertised on VRBO as a 4 bedroom, 3 bathroom home

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

Parcel No. 850501180350

Zoning: R-9W

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 6-15-21

*Order of Non-Compliance issued at the August 18, 2021 hearing:

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

Order of Compliance

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

CEB2018521 - REDDIN CORREAN

Served

Complaint No. 20181129009

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: 725 Parque Dr., Ormond Beach 32174

Parcel No. 424220290040

Zoning: R-5

Code Compliance Officer - Robert Chayer

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

*Order of Non-Compliance issued at the February 19, 2020 hearing:

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

*2nd Amended Order of Non-Compliance issued at the August 19, 2020 hearing:

*3rd Amended Order of Non-Compliance issued at the December 16, 2020 hearing:

*4th Amended Order of Non-Compliance issued at the April 21, 2021 hearing:

*5th Amended Order of Non-Compliance issued at the June 16, 2021 hearing:

Hearing to Impose Fine/Lien

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

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert said that he received notice from Brown Law Firm, that they are representing the owner. Robert stated that we have received additional complaints from the Sherriff's Office but since they have hired legal services he was willing to give them until November to get things done. Robert also stated that if in that timeframe if nothing looks to be getting done then he may refer it to CLCA for possible demolition.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 6th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE, with a Hearing to Impose Fine set for the November 17, 2021 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

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CEB2019311 - KNIGHT TERRY JR

Served

Complaint No. 20190923035

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. (Barns, sheds

Property Location: 1325 Pell Rd, Osteen 32764

Parcel No. 833000000160

Zoning: A-1

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

*3rd Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

Hearing to Impose Fine/Lien

Mark Watts from Cobb/Cole was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the 3 cases together. Margaret went over the case details, showing photos. Margaret stated these cases have been in front of the Board a few times. Margaret added there is an Ag exemption but it does not include the land that the barn is on. Margaret said that the Mechanical Permit has had no Inspection approvals to date and expires today, the Electrical permit application has been in the review process, waiting for additional information concerning a special exception and a site plan and this permit expires at the end of November. The plumbing permit has the same thing and expires in October. Margaret added there's been no special exception of variances applied for yet and the cited conditions remain unchanged and there is still weddings being held. Margaret said on September 1st she received an email from Shane Lanoe, the Fire Marshall, saying there had been no fire watch requests through him to date. Margaret also got an email from Mr. Watts with copies of the Fire Watch that was hired by Cyndi Knight. Margaret stated two years ago, when the first application for a special exception came in, she was told to not hold any weddings and there have been several since. Margaret showed photos of the Calendar which had dates blocked off which represent they are booked. Chairman Lingenfelter asked what the dates of the screen captures are. Margaret replied a couple of weeks ago. Margaret then added her recommendation for an Order Imposing Fine/Lien.

Member Dwyer asked regarding a special exception not being applied for, which of these dates above if any of them are when she was first notified that a special exception was needed. Margaret said two years ago. Margaret added there was one applied for and it never went forward and she was told then that she was not to hold any events in that barn. Member Dwyer asked when this was. Margaret said 3 years ago in October 2019. Mark Watts stated we have been working with staff with regard to correcting this and just to refresh your memory, this is the one that we came in late last year and asked to continue until January because we were waiting for the Ag exemption determination to be made. We were back here in January and the update at that point in time was that the final determination with regard to that portion of the property was going to be in May or June. Mr. Watts added that we had all of staff on site back in March to kind of walk around to see everything that was there and what needed to be done, what needed to be addressed, either with an Ag exemption, or moving forward with the special exception with regard to site improvements. Mr. Watts stated September 15, 2021

some of those have been done, for example, the fire access with the stabilized roadway and turnaround areas, those have been completed but they still need to process the special exception. Mr. Watts added that they did receive confirmation in May that there was an Ag exemption approved for 75% of the property but not the area where the wedding venues and everything else are being held. Mr. Watts said they had a subsequent pre-op meeting with staff on May 21st, provided a follow up list of the things that we understood, needed to be done. We have been working to compile those things, we needed a traffic analysis, we needed a site plan prepared by an engineer and we received that in July early August. Mr. Watts added we have now submitted an incomplete update for the special exception, it's incomplete because we did get confirmation in mid-August that we were going to need to provide a full environmental analysis for the area that the special exception covers and we have an executed agreement with Joe Young to prepare that and expect to have that next week so that we can meet the September filing date for the special exception and variance applications to be complete and that would put us on the PLDRC agenda in November. Mr. Watts stated we had all the trades on site for the electrical, plumbing and mechanical issues. Mr. Watts added right now, the electrical and plumbing permits are submitted but they can't be processed because we don't have zoning approval for that use on the property. Mr. Watts added that they are still working with 4H and some other programs to consider using the rest of the property as Ag use but that was beside the point and they are working to make sure they are checking the boxes and making sure all the life safety issues are being addressed as agreed with Staff back in March. Mr. Watts said that Ms. Knight has not accepted any new booking and the only things that are on her calendar at this point in time were previously scheduled bookings or rescheduled bookings that were delayed because of Covid. Mr. Watts added she is not accepting anything new and most of her booking are a year in advance and what is seen on the calendar are the things still burning off from the prior bookings that were made. Mr. Watts said what we would request is to come back to you at your meeting in December, to confirm that we've been at the PLDRC meeting in November, have had them review the special exception and are moving forward with that final approval and that will let us get the permits issued and finalized. Member Zahn asked if a special exception would still be needed if you had gotten Ag exemption on the entire parcel. Mr. Watts stated if we'd received it on the entire parcel, I don't think we would need the special exception, although the building modifications, would still require permits because they do exceed what is under the Ag tourism statute. Member Zahn then asked the issue with the special exception would that have been put off to the last minute, because you're waiting to see what's going on with the Ag Exemption to see if you actually need to do one. Mr. Watts stated initially we were doing that and after we had our meeting on site back in March and it was pretty clear at that point in time that the Ag exemption, particularly, because it wasn't covering the piece that the venue is on that we were going to need to move forward with the special exception. Mr. Watts added they confirmed it when they did the pre app again in May and they have been just trying to pull together the site plan and everything else since then. Mr. Watts said it's about six weeks from the time we had our pre meeting till the time we got the engineer to produce the site plan, we went ahead and submitted yesterday, it's incomplete because I'm still missing that environmental survey, but that's ordered and we're waiting for that to be added and I believe the deadline is September 29th to get us onto the November

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PLDRC meeting. Member Zahn asked if the Environmental survey is for the open field. Mr. Watts responded just the property itself because the property is in Norma and in the county's environmental overlay, we're required to do an environmental assessment according to the department. Mr. Watts said this has taken a little bit longer over the summer to get the materials pulled together than we anticipated and they are posting fire watches and have for every event that has been held. Mr. Watts said he has records he can show and added that Trinity Investigations and Security Services has been there fire watch and have been at every event hosted. Member Dwyer asked Margaret if the respondent has been actively engaged, responding and proactively working with you to resolve these issues. Margaret stated No and added this is not good faith and personally does not sit well with her because the building is not rated to keep people safe. Chairman Lingenfelter asked if it was known what the issue is for the mechanical permit that expires today. Mr. Watts said he was not sure if it was for the after the fact AC installation but he would follow up on it. Member Needham asked when this was first cited. Margaret stated in the fall of 2019 and they had a meeting with Ms. Knight and her husband, it was told then what they had to do. Margaret added Yolanda Somers had sent them notice that they cannot hold these weddings. Member Needham said he recalled the county has said not to do it and asked if there were any other extenuating circumstances that you can see having covered this case for several years of a willingness to really work with the county, the judgement call on your part. Margaret said unless I get in contact with Mark and Nika to ask for information and then she will get information on something that was done 2 weeks before. Margaret said she does not have affidavits yet to say that stuff is actually safe out there as far as the electrical work that was done. Margaret added you can have all the fire watches you want but if that building goes up who will put the fire out. Member Needham said then the record would show that the time they were found in violation that business pretty much continued. Margaret stated yes. Member Zahn then asked assuming all the inspections and special exception are approved as far as the code violations, then they become resolved, will that change the structure in anyway. Margaret said it would have to be brought up to code for the occupancy. Member Zahn asked if that had been done or addressed. Mr. Watts stated as far as we're aware, everything from an electrical and plumbing standpoint, those were the key kind of modifications to the structure that were made, the building has not gone through full building permit review when we were on site in March. There was some question about whether or not there would be required to be sprinkled that would have to be answered when it comes in for that full building permit review and from the standpoint of the electrical, and plumbing, in fact, the electrician was on site the day that we had all the various county departments out for that site inspection and as far as he is aware with regard to the trade permits that are out there, everything is up to code with regard to those permits once they're able to be fully processed. Kerry Leuzinger, Chief Building Official stated he was at the meeting in March with Mark and his clients, the electrician was there and they spent some time with him. Kerry said the electrical system as it sits now is fine and nothing dangerous at the moment but there are a lot of upgrades to that building that will be required if a special exception is approved. Kerry added you have accessibility issues, accessible bathrooms, egress is an issue, fire protection. There are several, several items that will need to be taken care of, as the building sits now, is not code compliant, for the use it is being used for now. Kerry stated he has never been comfortable with saying it was OK

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for them to continue having events out there and feels it should have stopped. Member Zahn asked if it was possible to submit building permits pending zoning approval so that one could have ones building plans reviewed and comments issued so that one might be able to begin work on those issues that are fire safety. Kerry said we would be willing to accept applications from a practical point, his concern would be, he doesn't want us spending a lot of time on something then the special exception not get approved, and then staff is working on plan review for nothing. Mr. Watts said what his client, based on her belief with what the agreement was with the county has been doing is not accepting any additional or new bookings period, which, from a practical standpoint, is putting things out a year. Member Zahn added it's pretty easy to do after the fact permits for a barn, but because the occupancy makes a big difference in the requirements for what goes into those building plans. So, when you go into an occupation like this and you're moving in and you've got a venue with a lot of people in it and some flammable stuff going on in there and egress, it changes the situation. Member Zahn said he was leaning towards moving the fine along but only because he doesn't think it's proper to continue kicking this down the road but he thinks they are doing what they can to get through the process. Member Needham also agreed with Member Zahn adding that we have been looking at this for a couple of years, people have been in and out of that place while there has been no demonstrated interest on behalf of the owners to cease and desist from bookings even though it is not an approved building, there were fire issues. Member Needham added he is not in favor of giving one more minute. Member Dwyer added if another business owner had come and applied for the variances, special exceptions or the permits, whatever is required, that owner would not have been granted the opportunities to open their business until everything was approved. Member Dwyer said he also agrees that they should not continue to hold venues there until all approvals are given but doesn't object to them taking reservations for future dates. Mr. Watts said he understood and the only thing he would say in response to that is, this is that area that has been somewhat gray, shifting between agritourism and what's permissible and allowed under that, versus what's required with the special exception. Member Leonard asked for clarification about the fire watch, she said she understands that someone is walking around watching and looking for things that may catch fire, but if there was a fire how close was the nearest fire station. Shane Lanoe stated that Station 36 is the closest and approximately 6-7 miles away. Shane also added that there is no readily available water out there so we would have an engine come but we're a long ways away and would probably take 12 to 13 minutes before we would get a fire truck out onto the property and once we are there, there are no fire hydrants, there is not a sprinkler system or any other means. Shane added that there is a pond out there but it does not have access. Member Leonard added that at the October 21, 2020 meeting, it was said that she was not to have any more reservations or events, correct, and she's continued to do that, and we're using Covid as an excuse, because she couldn't have them last year, so she just moved everything to this year. Mr. Watts said she did cease booking events at that point, but they already had events on the books. Member Leonard then added if it was said she could not hold events, it didn't matter if she bookings or not, she should have gone to those people and said, Hey, I need to cancel this. I can't use the building any longer. Chairman Lingenfelter added the venue could just not be inside the building. Mr. Watts said that was an option too. Member Dwyer then asked if we have the authority as the Board to issue a Cease and Desist

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Order. Sebrina Slack said our primary enforcement mechanism is fines and compliance and if we were to seek an injunction, we'd actually have to file a petition against Mr. Watts as the county and then go through a circuit court to get an injunction. Member Dwyer made the motion to start the fines and that there would be no further business conducted on the property until all the approvals are given. Member Needham seconded the motion and there was also a roll call vote which passed unanimously.

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day commencing October 21, 2021 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019345 - KNIGHT TERRY JR

Served

Complaint No. 20191003002

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). ((accessory structures, electrical, plumbing, may not be a complete list
Property Location: 1325 Pell Rd, Osteen 32764

Parcel No. 83300000160

Zoning: A-1

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

*3rd Amended Order of Non-Compliance issued at the February 17, 2021 hearing:

*4th Amended Order of Non-Compliance issued at the March 17, 2021 hearing:

*5th Amended Order of Non-Compliance issued at the June 16, 2021 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day commencing October 21, 2021 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2020186 - KNIGHT TERRY JR

Served

Complaint No. 20200904002

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

Property Location: 1325 Pell Rd, Osteen 32764

Parcel No. 833000000160 Zoning: A-1

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

*3rd Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day commencing October 21, 2021 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2020032 - ANDERSON KELLY

Served

Complaint No. 20191010044

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: 1612 Granada Ave, Daytona Beach 32117

Parcel No. 424219100120 Zoning: R-5

Code Compliance Officer - Robert Chayer

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

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

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

*2nd Amended Order of Non-Compliance issued at the August 18, 2021 hearing:

Hearing to Impose Fine/Lien

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

Robert Chayer, code compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert said not much has been done on the property.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing October 21, 2021 and to continue until compliance is achieved, but not to exceed \$6,500.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2020033 - ANDERSON KELLY

Served

Complaint No. 20191008042

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

Property Location: 1612 Granada Ave, Daytona Beach 32117

Parcel No. 424219100120 Zoning: R-5

Code Compliance Officer - Robert Chayer

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

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

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

*2nd Amended Order of Non-Compliance issued at the August 18, 2021 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing October 21, 2021 and to continue until compliance is achieved, but not to exceed \$6,500.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2020038 - PHANEUF DONALD J

Served

Complaint No. 20200218017

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

Property Location: 301 Harbor Tr., Enterprise 32725

Parcel No. 910804000010

Zoning: R-3(1) EA, RCEA

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 2-27-20

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

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

Hearing to Impose Fine/Lien

Bob Foster, Attorney, was present at the hearing for this case.

Margaret Godfrey, code compliance, and Todd Hannah, Environmental Specialist, presented the 2 cases together. Margaret went over the case details, showing photos. Margaret stated they did go through the variance process and were approved. Margaret added that there were health issues and they were able to extend some of the dates on the variance to the beginning of December. Mr. Foster said yes there have been health issues involved and this caused delays, he went into the issues. Mr. Foster added that they received the drawings from the engineer yesterday, they are ready to proceed getting the building permits and to meet the requirements for the variance. Mr. Foster said he was good with the recommendation but would like 90 days. Margaret stated she was fine with moving to December.

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

CEB2020137 - PHANEUF DONALD J

Served

Complaint No. 20200727051

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

Property Location: 301 Harbor Tr., Enterprise 32725

Parcel No. 910804000010

Zoning: R-3(1) EA, RCEA

Environmental Specialist II - Todd Hannah

Property owner was first notified of the violation on 8-3-20

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

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

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884, with a Hearing to Impose Fine set for the December 15, 2021 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2020042 - COLLINS BRIAN M

Served

Complaint No. 20191007032

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

Property Location: 460 Guise Rd, Osteen 32764

Parcel No. 92160000410

Zoning: A-1

Code Compliance Coordinator - Margaret Godfrey

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

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

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

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

*3rd Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

Hearing to Impose Fine/Lien

Shane Boutty, Attorney, was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated that on 4-23-21 an after the fact permit application came in for the residence but was incomplete, the application was cancelled on 7-23-21. Margaret added on 9-10-21 a new after the fact application was submitted but it is still in application status. Margaret said that she has had no contact with the property owner and the cited condition remains unchanged. Margaret stated that while doing further research it showed this property goes back to 2009 with building and unmaintained issues. Margaret said her recommendation is for an Order imposing fine/lien in the amount of \$100.00 per day to begin on October 21st with a cap of \$20,000.00. Chairman Lingenfelter asked Margaret if Mr. Collins had been the owner said 2009. Margaret said yes. Member Needham asked Margaret if the building was being occupied. Margaret said she believes so. Member Needham then asked if there are any life safety issues. Margaret said anything with the electrical, but she doesn't know. Member Needham asked if the electrical work needed to be validated. Margaret said yes this is the house he built. Member Needham added this would get inspected with the permit. Margaret said the application was just put in last week and will need to go through a review process and then if all the requests for additional information get answered, that when the permit gets issued. Member Zahn asked how it gets finalized since it's already built. Margaret said you'd have to get the certificate of occupancy, and everything would have to be inspected. Chairman Lingenfelter asked Kerry Leuzinger if he had been to this property. Kerry stated no, we typically don't do any type of inspections on a property that's not permitted. Chairman Lingenfelter asked if there was a preventative inspection. Kerry responded that's after the permit is issued. There was discussion on what it means in the system and how it comes about for a cancelled application. Mr. Boutty said that in July the application was submitted, which is why the case was continued to this particular meeting and had hopes of having the permit issued at this point. Mr. Boutty said the Contractor had some requests and those were submitted. Mr. Boutty said he was unsure why the status would show application was submitted September 10th when it was done 4 months ago. Mr. Boutty added there is an application, there are engineering drawings and all of the after the fact information and that the only hold up has been is getting the final approvals from the building department. Mr. Boutty said any requests that he is aware of, to the contractor or the September 15, 2021

engineer of record for any review issues or have any questions responded to, have been responded to. Chairman Lingenfelter added that what it appears is, they applied and submitted a package and then the county may have submitted a request for additional information and then there was lack of activity, no response to that request for additional information so the permit at the 3 months expired for lack of activity. Chairman Lingenfelter added hopefully your person put together an application package and submitted everything. Mr. Boutty said the building official can let us know if there's any information needed, but the full package has been submitted. Member Needham ask Mr. Boutty why his client let it expire. Mr. Boutty said he has been out of the country working and putting it all on the Contractor and Engineer, who submitted the initial plans here in July. Chairman Lingenfelter asked Margaret if she was willing to change her recommendation after hearing what Mr. Boutty said. Margaret said that up to the Board. Mr. Boutty added that his client has not owned the property since 2009, it has only been since 2013 and there was an old structure on it at that time and that's been sort of the sticking point of this whole issue from day 1. Member Zahn then said we should issue an amended order to November and asked Margaret if she had any objection to that. Margaret said no. Member Dwyer added, You say that the application expired because of time, but based on what I'm hearing from Margaret and the building officials is that it expired because the applicant didn't respond to the request of the building department and added that if the motion was to extend this he would be voting no.

A roll call vote was made.

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

September 15, 2021

CEB2020054 - BAUGHMAN BLAINE

Served

Complaint No. 20190530081

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

Property Location: 54 Plaza Dr., Ormond Beach 32176

Parcel No. 420300030133

Zoning: R-4

Code Compliance Officer - Robert Chayer

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

*Order of Non-Compliance issued at the August 19, 2020 hearing:

*1st Amended Order of Non-Compliance issued at the September 16, 2020 hearing:

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

Hearing to Impose Fine/Lien

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

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert said this case is still in bankruptcy and gave his recommendation.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE, with a Hearing to Impose Fine set for the March 16, 2022 hearing.** After Member Nadeau **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2020154 - Douglas S and Kristy M Harrell

Served

Complaint No. 20200603055

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 structures on the property with no permits .Not complete list

Property Location: 1350 Hamilton Ave, Orange City 32763

Parcel No. 800304040010

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 8-25-20

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

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

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

Hearing to Impose Fine/Lien

Mark Watts from Cobb/Cole, was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated they have 2 applications in but it's held up in zoning review because it's an R-4 zoned property and there can only be 1 accessory structure over 500 square feet. Margaret added there are 2 structures, 1 at 1500 square feet and the other is over 5000 square feet, they would need to apply for a variance to keep both and there has been no variance application to date. Margaret said there was a meeting on site with Property Owner, Environmental, Zoning, Mark Watts and Nika Hosseini. Mr. Watts said he has not spoken with his clients about a variance application and will follow up with them in our agreement with staff's recommendation to let us get that cleared up and will confirm which way to go because one of the buildings was existing when they purchased the property, the other they put up and they are aware they need to take care of the permitting.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the October 20, 2021 hearing.** After Member Nadeau **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2020231 - BALKAM LLC

Served

Complaint No. 20190514006

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

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

Parcel No. 620601420050

Zoning: I-1C (5) A

Environmental Specialist II - Todd Hannah

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

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

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

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

*3rd Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

Hearing to Impose Fine/Lien

The respondent was present at the hearing for this case.

Todd Hannah, Environmental Specialist II, presented the 2 cases together. Todd went over the case details, showing photos. Todd said the Final Site plan was submitted in August for approval, and they have been reviewing it and hopefully they will get some good comments on that. Chairman Lingenfelter asked the respondent if the recommendation to January 19th was understood. The Respondent said yes and added he has been working closely with Saint John's Water Management, the engineers. The respondent stated the Engineer has submitted the package and hopes there is no need for additional information.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an 4th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2), with a Hearing to Impose Fine set for the January 19, 2022 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

CEB2020241 - BALKAM LLC

Served

Complaint No. 20201005017

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

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

Parcel No. 620601420050

Zoning: I-1C (5) A

Environmental Specialist II - Todd Hannah

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

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

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

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

*3rd Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an 4th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884, with a Hearing to Impose Fine set for the January 19, 2022 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2020243 - PITTMAN JOSEPH E & SHARON M

Posted

Complaint No. 20200207031

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

Property Location: 8260 Baxter Point North, Mims 32754

Parcel No. 133601000020

Zoning: A-1

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*2nd Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

Hearing to Impose Fine/Lien

Christine Pittman was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the 4 cases together. Margaret went over the case details, showing photos. Margaret stated the latest inspection was 8-27-21 and there was no change. Chairman Lingenfelter asked no change since the July inspection. Margaret said in July it was getting cleaned up, but when she went back in August it was still out there. Margaret stated her recommendation was for an Order Imposing Fine/Lien in the amount of \$25.00 per day, per case with a cap of \$2,000.00 per case for a grand total of \$8,000.00.

There were difficulties with the Webinar and getting the respondent to respond so we moved onto other cases while they were resetting on their end.

Christine stated they were there the past 4 days, the shed, 2 trailers, all the trash and half of the FEMA trailer has been torn down and taken off the property. Christine added a flatbed did come to take the car but couldn't get around the bend and will have to come back. Chairman Lingenfelter explained that Staff's recommendation was for fines to start after the next meeting in October and asked Christine if her testimony today is in the last 4 days there has been lots of progress. Christine stated yes and added her parents are elderly and said the whole neighborhood has been using the property as a dump site. Christine said it was 90% cleared and pretty much completely done. Chairman Lingenfelter said one of the Board members is considering to give another month for staff to do an inspection and check the progress. Christine said okay. Chairman Lingenfelter explained to call Margaret once the car is removed and these cases should possibly be in compliance.

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

September 15, 2021

CEB2020244 - PITTMAN JOSEPH E & SHARON M

Posted

Complaint No. 20200615045

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

Property Location: 8260 Baxter Point North, Mims 32754

Parcel No. 133601000020

Zoning: A-1

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*2nd Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34, with a Hearing to Impose Fine set for the October 20, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

CEB2020245 - PITTMAN JOSEPH E & SHARON M

Posted

Complaint No. 20200615047

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

Property Location: 8260 Baxter Point North, Mims 32754

Parcel No. 133601000020

Zoning: A-1

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*2nd Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241, with a Hearing to Impose Fine set for the October 20, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2020246 - PITTMAN JOSEPH E & SHARON M

Posted

Complaint No. 20200615046

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

Property Location: 8260 Baxter Point North, Mims 32754

Parcel No. 133601000020

Zoning: A-1

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*2nd Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287(B), with a Hearing to Impose Fine set for the October 20, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2020310 - CLARK & MORE INC

Served

Complaint No. 20201106043

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Residential renovation. Building / Mechanical / Electrical / Plumbing permitting and inspections required. May not be a complete list.

Property Location: 326 Osteen Maytown Rd, Osteen 32764

Parcel No. 920702030150

Zoning: OUR

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Nov 6, 2020

*Order of Non-Compliance issued at the August 18, 2021 hearing:

Hearing to Impose Fine/Lien

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

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah said his last inspection was on 9-14-21 and no permits have been applied for and there has not been any further contact.

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing October 21, 2021 and to continue until compliance is achieved, but not to exceed \$9,000.00 for violation of 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.

September 15, 2021

CEB2021013 - Dollard Robert Louis IV

Posted

Complaint No. 20200430030

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

Property Location: 1475 Kettledrum Tr., Enterprise 32725

Parcel No. 910805000640

Zoning: R-3(1) EA

Code Compliance Officer - Isiah Pitts

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

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

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

*2nd Amended Order of Non-Compliance issued at the July 21, 2021 hearing:

Hearing to Impose Fine/Lien

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

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah said his last inspection was on 9-14-21 and he does have a roof permit, which was the final permit he needed. Mr. Dollard stated he hopes to have his final inspection by the end of week. Chairman Lingenfelter asked Isiah if this takes care of the fence too. Isiah said he has finalized the fence all that's left is the roof.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the February 16, 2022 hearing.** After Member Nadeau **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021036 - B & B UNDERGROUND & DRILLING INC

Served

Complaint No. 20200823002

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

Property Location: 1297 Duroc Dr., Lake Helen 32744

Parcel No. 713200000090

Zoning: 999, A-1, A-2

Environmental Specialist II – Julie McCrystal

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

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

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

Hearing to Impose Fine/Lien

Darren Elkind, Attorney, was present at the hearing for this case.

Julie McCrystal, Environmental Specialist, presented the case. Julie went over the case details, showing photos. Julie said we sent an email to the consultant and owner requesting an update on the 25th. Julie added we have been in contact with Mr. Elkind and have changed our position and are now recommending a 2nd Amended Order to October 20th. Chairman Lingenfelter asked what is that they are still seeking. Julie stated they are still seeking the wetland alteration permit with the with the restoration plan. Member Leonard asked Julie if October would be enough time for that. Julie responded yes. Mr. Elkind stated his client Mr. Bennett was very upset about this. Mr. Elkind said if you look at the historical aerial, in 2010 the buffer was as it should have been and if you look at 2012 it's still in that condition, there was some historical logging operations on the property decades before based on what the Arborist had said. Mr. Elkind stated that in January of 2015, which there was not a photo of, it appears that the next door neighbor has cleared the property, put up a fence and may have used it for horses or something but it can be seen from the aerial photo. Mr. Elkind said his client had a professional biologist and FDEP come out to verify the wetland line, which there is no issue with a wetland violation and that it is just the area that you see in the photo of the buffer that has been cleared and that's what we will be restoring. Mr. Elkind said he wanted to be clear that it is not his clients fault, he bought it. Member Zahn asked the impact was on the wetland buffer not the wetlands. Mr. Elkind said yes that's correct. There was discussion as to when the next meeting would be and Chairman Lingenfelter asked Julie if she was ok with November. Julie said she was okay.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884, with a Hearing to Impose Fine set for the November 17, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

September 15, 2021

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

Complaint No. 20200731019

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

Property Location: 3870 N Us Hwy 17, Deland 32720

Parcel No. 601903000240

Zoning: B-4CA

Code Compliance Officer - Robert Chayer

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

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

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

Hearing to Impose Fine/Lien

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

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert said his last computer review was on 8-30-21 and permits have been issued. Robert added that they have had some inspections and have passed. Robert said he recommends to give them to April of 2022 to get everything finished.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the April 20, 2022 hearing.** After Member Dwyer **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021128 – COOPER ANTHONY

Posted

Complaint No. 20210220006

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

Property Location: 494 Old Daytona Rd, Deland 32724

Parcel No. 603304000010

Zoning: I-1A

Code Compliance Officer - Robert Chayer

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

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

*1st Amended Order of Non-Compliance issued at the August 18, 2021 hearing:

Hearing to Impose Fine/Lien

Anthony Cooper and Kenneth Ashley were present at the hearing for this case.

Robert Chayer, code compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert said what they are looking for is the final site plan to be submitted. Robert said it is his understanding they are having issues with an engineer signing off on it. Robert stated his recommendation is for fines to start at \$250.00 per day, per case with no caps and to begin on October 21st. Samantha said she spoke with the contractor who came in the office and explained that he did not have an engineer to seal the plans. Kenneth stated that Mr. Cooper and he have been working very diligently together to get the draftsmen/architect on getting the plans correct for the civil engineer. Mr. Ashley said he received an email 10 days ago telling them the civil engineer that they were working with doesn't want to touch this project and to start looking for a new civil engineer. Mr. Ashley said his job was to obtain a new civil engineer which he did and his name is Mike with EPI. He added when they had a meeting with Mike they were told to get with Blackwell Survey Company, which they have scheduled for October 18th and then they would need 10-14 days in order to get it printed. Mr. Ashley asked the Board to please give some additional time to work with the new civil engineer to get the proper site plan turned in. Robert added that this has been going on since 2019 and Samantha agreed saying she was leaving it up to the Board to make the decision. Chairman Lingenfelter asked Mr. Ashley how long he has been on the job. Mr. Ashley responded the last 6 months. Member Zahn said he knows EPI and Blackwell and both are very competent. Member Zahn added he is willing to give time to November and reminded him to keep in contact with staff to let them know what's going on.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291, with a Hearing to Impose Fine set for the November 17, 2021 hearing.** After Member Nadeau **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021129 - COOPER ANTHONY

Posted

Complaint No. 20210220007

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: 494 Old Daytona Rd, Deland 32724

Parcel No. 603304000010 Zoning: I-1A

Code Compliance Officer - Robert Chayer

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

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

*1st Amended Order of Non-Compliance issued at the August 18, 2021 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b), with a Hearing to Impose Fine set for the November 17, 2021 hearing.** After Member Nadeau **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

CEB2021079 - COOPER ANTHONY

Posted

Complaint No. 20210214003

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

Property Location: 494 Old Daytona Rd, Deland 32724

Parcel No. 603304000010 Zoning: I-1A

Environmental Specialist III - Samantha West

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

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

*1st Amended Order of Non-Compliance issued at the August 18, 2021 hearing:

Hearing to Impose Fine/Lien

Anthony Cooper and Kenneth Ashley were present at the hearing for this case.

Samantha West, Environmental Specialist, presented the case. Samantha went over the case details, showing photos.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2), with a Hearing to Impose Fine set for the November 17, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021147 - LAWRIE BRIAN

Served

Complaint No. 20210420016

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

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

Parcel No. 950600000680

Zoning: MH-5

Code Compliance Officer - Fred Eastwood

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

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

Hearing to Impose Fine/Lien

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

Fred Eastwood, code compliance, presented the 2 cases together. Fred went over the case details, showing photos. Fred said there has been no change in the property and no further contact with the owner.

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing October 21, 2021 and to continue until compliance is achieved, but not to exceed \$2,250.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287(B).** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021148 - LAWRIE BRIAN

Served

Complaint No. 20210420015

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

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

Parcel No. 950600000680

Zoning: MH-5

Code Compliance Officer - Fred Eastwood

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

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

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing October 21, 2021 and to continue until compliance is achieved, but not to exceed \$2,250.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021171 - BALDINO CONCRETE & BOBCAT INC

Posted

Complaint No. 20201229021

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

Property Location: 859 Lakeview Dr., Deland 32720

Parcel No. 791304000151 Zoning: I-1

Code Compliance Officer - Isiah Pitts

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

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

Hearing to Impose Fine/Lien

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

Isiah Pitts, code compliance, and Todd Hannah, environmental specialist presented the 5 cases together. Isiah went over the case details, showing photos. Isiah said his last inspection was on 9-14-21. Isiah added there has been no further contact and no permits have been applied for. Todd stated he has had no further contact and his recommendation was the same as Isiah's.

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day/per case commencing October 21, 2021 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021172 - BALDINO CONCRETE & BOBCAT INC

Posted

Complaint No. 20201229024

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). New roof on existing structure and carport type structure

Property Location: 859 Lakeview Dr., Deland 32720

Parcel No. 791304000151 Zoning: I-1

Code Compliance Officer - Isiah Pitts

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

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

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day/per case commencing October 21, 2021 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021173 - BALDINO CONCRETE & BOBCAT INC

Posted

Complaint No. 20201229023

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

Property Location: 859 Lakeview Dr., Deland 32720

Parcel No. 791304000151 Zoning: I-1

Code Compliance Officer - Isiah Pitts

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

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

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day/per case commencing October 21, 2021 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b).** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021159 - BALDINO CONCRETE & BOBCAT INC

Served

Complaint No. 20210108062

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

Property Location: 859 Lakeview Dr., Deland 32720

Parcel No. 791304000151 Zoning: I-1

Environmental Specialist II - Todd Hannah

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

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

Hearing to Impose Fine/Lien

Todd Hannah, Environmental Specialist, presented the 2 cases together. Todd went over the case details, showing photos. Todd said

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day/per case commencing October 21, 2021 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-834(2).** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021160 - BALDINO CONCRETE & BOBCAT INC

Served

Complaint No. 20210108064

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

Property Location: 859 Lakeview Dr., Deland 32720

Parcel No. 791304000151 Zoning: I-1

Environmental Specialist II - Todd Hannah

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

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

September 15, 2021

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Dwyer **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$250.00 per day/per case commencing October 21, 2021 and to continue until compliance is achieved, for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021165 - MACALUSO ANGELA

Posted

Complaint No. 20210503034

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: 1598 Stone Tr., Enterprise 32725

Parcel No. 910804000300

Zoning: R-3(1) EA, RCEA

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on May 06, 2021

*Order of Non-Compliance issued at the August 18, 2021 hearing:

Hearing to Impose Fine/Lien Order of Compliance

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

September 15, 2021

CEB2021185 - DENITHORNE BROTHERS INC

Posted

Complaint No. 20200723026

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: 3936 Oriole Ave, Port Orange 32127

Parcel No. 631203001881

Zoning: R-9(S)

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Apr 26, 2021

*Order of Non-Compliance issued at the August 18, 2021 hearing:

Hearing to Impose Fine/Lien

Nicole Murray was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case in Debbie's absence. Margaret went over the case details, showing photos. Margaret said Debbie hand delivered the ONC to Taylor on August 27th, whom said he did not live there but would give the paperwork to the owner. Someone called on September 1st and spoke with Chris Hutchison and was told a fence contractor would have to apply for the permit. Margaret showed Debbie's recommendation to impose fines and said it was due to lack of contact and no applications being submitted. Nicole stated she lives at the property and is the owners' girlfriend. Nicole said they didn't know what they were doing, that they moved here and the fence looked ugly so they fixed it. Nicole said she did speak with Debbie and thought the process would be easy until it came to the survey. She said she has called 20 different people with no luck. Nicole added she had finally found a surveyor who was driving down the road and he said he was booked down until December. Nicole also added that they didn't know they couldn't pull the permit since the home was under a corporation's name, now that she knows, she has been looking for a contractor.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b), with a Hearing to Impose Fine set for the December 15, 2021 hearing.** After Member Leonard **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

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CEB2021186 - Rozental Ignacio D & Lisa G

Served

Complaint No. 20180905005

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

Property Location: 120 Los Arbor Dr., Deland 32724

Parcel No. 603829000350 Zoning: R-1A

Environmental Specialist II - Todd Hannah

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

*Order of Non-Compliance issued at the August 18, 2021 hearing:

Hearing to Impose Fine/Lien

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

Todd Hannah, Environmental Specialist, presented the case. Todd went over the case details, showing photos. Todd said he has had no contact with the owners and has not be able to get in the backyard to confirm.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing October 21, 2021 and to continue until compliance is achieved, but not to exceed \$10,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 72-842(i)(2).**

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

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CEB2021188 - FIELDS CHARITY ANN & MARK TR

Posted

Complaint No. 20201012064

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

Property Location: Harper Rd, Pierson 32180

Parcel No. 581500000251

Zoning: A-1, C

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Oct 21, 2020

*Order of Non-Compliance issued at the August 18, 2021 hearing:

Hearing to Impose Fine/Lien

Charity Fields was present at the hearing for this case.

Isiah Pitts, code compliance, presented the 2 cases together. Isiah went over the case details, showing photos. Isiah said as of yesterday the property is still in violation. Isiah added on 6-9-2020 residents are living inside what he thinks is a pump house, but the owner advised it was just a pump house. Isiah showed a photo and said the structure on the left is now gone. Isiah showed another photo and said this is where the resident is living on 9-8-21 adding he seen a male, small dog and 2 vehicles parked on the right side. Isiah also noted he believes the teal portion is an add-on from the photo and said he believes someone is living there. Isiah showed an aerial from January 30, 2021 that showed vehicles and debris on the property. Isiah added that the resident advised there was only a pump house, he then showed an aerial from January 14, 2012 where you can only see the pump house in the middle of the property and there was no add-on to the structure. Chairman Lingenfelter asked where the pump house is in the newer aerial photo. Isiah showed the photo on January 30, 2021 and said all this has been cleared out and all that was left was the structure he showed on slide 4 of his presentation, he added that he believes it is now under the tree and was modified. Isiah stated that his recommendation was for fines to start on October 21st at \$50.00 per day with a cap of \$1,500.00. Member Zahn asked if a pump house needed to be permitted. Isiah said no but the structure they built onto it and now occupying does. Member Leonard asked if there were no regular structures or house on the property. Isiah answered no. Member Zahn added except for the new structure and Chairman Lingenfelter added that it doesn't meet minimum size most likely, Isiah responded exactly and they have modified it.

Mrs. Fields said they have never lived there, it is our pump shed and has been there since she inherited the fernery, and the violation was for the 12x14 where the poles were still remaining, she added it was a storage building for her fernery supplies. Mrs. Fields added the pump shed that's there has been there and they did reskin and replace some rotten wood but it has always been their pump shed for gas and the well pump. Mrs. Fields said she has a home right around the corner on Emporia so they have taken all of their things there. She said they lived in Leesburg and would come to this property to work on it to turn it into a running fernery. Mrs. Fields said they have submitted for an Ag exemption, and her Ag exemption came back denied and it wasn't realized until she got a letter from us. Mrs. Fields said she took down what they had, she added she was told not to worry about the pump shed, that it was fine. She added she was very upset about the accusations of them living in the pump shed, which is not the case. Chairman Lingenfelter added that Isiah testified that on slide 3 the structure seemed to have been enlarged. Mrs.

September 15, 2021

Fields said it is actually smaller and the building in the middle of the property was what she was originally in violation for and it was taken down a few years ago. Isiah asked if the resident would be willing for us to do an inspection on the property. Mrs. Fields replied of course. Member Zahn then said to Mrs. Fields, it's your testimony that all the buildings have been removed and the pump house was renovated and the way to resolve this is to have an inspection, it may then be determined there is nobody living there, and is wondering if this is a violation or not. Sebrina Slack added that we are willing to amend our recommendation if we can get a specific date and time to perform an inspection and have this arranged today. Mrs. Fields said OK.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(1)(C), with a Hearing to Impose Fine set for the October 20, 2021 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

CEB2021189 - FIELDS CHARITY ANN & MARK TR

Posted

Complaint No. 20200609026

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). Have built a new mini home in 2019 after tearing down junk building. He may have also built another structure.

Property Location: Harper Rd, Pierson 32180

Parcel No. 581500000251

Zoning: A-1, C

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Jun 17, 2020

*Order of Non-Compliance issued at the August 18, 2021 hearing:

Hearing to Impose Fine/Lien

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

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CEB2021190 - Banersy Corp Inc.

Served

Complaint No. 20210629027

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Residential renovation. Building, Mechanical, Electrical, Plumbing - Permitting & inspections required. May not be a complete list.

Property Location: 73 Brooks Dr., Ormond Beach 32176

Parcel No. 420310000450

Zoning: R-5

Code Compliance Officer - Peter Hinson

Property owner was first notified of the violation on 7-3-21

*Order of Non-Compliance issued at the August 18, 2021 hearing:

Hearing to Impose Fine/Lien

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

Peter Hinson, code compliance, presented the case. Peter went over the case details, showing photos. Peter said as of the last hearing there has been no contact with the property owners and no permits have been applied for. Peter also added that he stated a lot maintenance case as the lot is now overgrown.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day commencing October 21, 2021 and to continue until compliance is achieved, but not to exceed \$15,000.00 for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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X. Hearings and Presentation of Filed Notices of Violations

CEB2021069 - TRSTE LLC TR

Posted

Complaint No. 20210129051

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-280. Two principal structures on one lot

Property Location: 341 Elizabeth St, Enterprise 32725

Parcel No. 910603050130

Zoning: R-4EA

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 3-22-21

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

Margaret Godfrey, code compliance, presented the 3 cases together. Margaret went over the case details, showing photos. Margaret stated that on 1-22-21 Paul Traider posted a stop work order when he found this property. Margaret said that a prevention inspection was conducted on 1-27-21. Margaret added that on 6-30-21 staff met on site with the owner and contractor and that as of then the only permits that had been applied for are for the roof and foundation repair. Margaret added that there is the main home and that the garage looks like it was converted into living space. Margaret added that on 4-28-21 a RES permit application was submitted to address the issues but there has been no further contact and the application expires 11-13-21.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-280 With a compliance date of November 13, 2021 and a Hearing to Impose Fine is set for the November 17, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021070 - TRSTE LLC TR

Posted

Complaint No. 20210122012

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Accessory structures, second residence, Residential renovation. Mechanical. Plumbing. Electrical. Building. May not be a complete list.

Property Location: 341 Elizabeth St, Enterprise 32725

Parcel No. 910603050130

Zoning: R-4EA

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 3-22-21

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of November 13, 2021 and a Hearing to Impose Fine is set for the November 17, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021071 - TRSTE LLC TR

Posted

Complaint No. 20210319009

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: 341 Elizabeth St, Enterprise 32725

Parcel No. 910603050130

Zoning: R-4EA

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 3-22-21

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b) With a compliance date of November 13, 2021 and a Hearing to Impose Fine is set for the November 17, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021107 - Steven W Hayden

Posted

Complaint No. 20210216007

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: 1705 Turtle Hill Rd, Enterprise 32725

Parcel No. 910901000260

Zoning: RREA

Code Compliance Officer - Isiah Pitts

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

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

Isiah Pitts, Code Compliance presented the case. Isiah went over the case details, showing photos. Isiah stated the property was first observed on 2-16-2021. Isiah said on 4-28-2021 Chris Hutchison, Environmental and he met with Steven, his wife and attorney and discussed all the work that pertains to their property and the scope of what they were going to do. Isiah added his last inspection was 9-8-21 and the property has been cleared up. Isiah said it is in compliance to the standard of what we need. Isiah went through photos on 2-22-2021 that showed heavy equipment and the dumping of debris. Isiah said that there were numerous occasions when he went by that the property would be cleaned up but on these days, 3-17-2021, 4-14-2021, 4-28-2021, there was debris on the property. Isiah showed a photo of 9-8-21 and all the debris and heavy equipment was gone. Isiah stated that they discussed on 4-28-21 that he would be allowed to keep the heavy equipment there until all the scope of work was complete in the rear yard, Isiah added we keep getting the same violation and we're trying to resolve it to where he's complete he will no longer need to have all the heavy equipment or debris there anymore. Member Zahn asked that's now happened, Isiah said he's cleared all the debris, he's removed the vehicle, but he still has permits in for the work needed to be done in the rear yard. Chairman Lingenfelter asked if these are in compliance, why are they before us? Isiah said the reason being is that this is going to go back into compliance. This isn't the first time this case has been presented to us. This case was brought before us by Mike Mazzola. Isiah added and it also has been dismissed because every time, he will come into compliance, when it's time to come into compliance. Member Zahn said so we heard the case and asked if we found it in violation and dismissed or just dismiss the last case. Isiah said that he believes they dismissed the case Mike Mazzola brought. Member Zahn said so this technically is not a repeat violation. Isiah said absolutely. Chairman Lingenfelter asked Julie if she wanted to continue with her presentation or handle the case separately. Margaret added that the property has been in front of the code board in the past but it was not for these violations, it was for Lot Maintenance. Member Dwyer stated even though everything is in compliance, what is the reason for asking for an Order of Non Compliance. Isiah stated the property is under constant construction, the violations that are called in on this property will continue to occur and if the property has a status of Order of Non Compliance no new complaints can come in and Mr. Hayden wouldn't be harassed for anything that he is doing out there. Isiah added that this is not just for the County and that it would also resolve the disputes in that area. Isiah added Mr. Hayden is trying to do this the right way and that's why this case was brought to the Board. Member Zahn asked Charlie Cino, a complaint has been filed and it comes before the Board and Isiah's testimony is that it is in Compliance. Charlie stated you can find them in Non September 15, 2021

Compliance and Dismiss the case. Chairman Lingenfelter stated, what Isaiah is sharing with us and what he understand is that there is work that continues to occur on the property, and that he creates a pile of debris for allowed work, the debris gets called in because it's in violation, even though it comes and goes, because you're creating more debris as you're doing more work. Usually what happens with these types of cases is that it gets closed at Staff level, but this is being brought to find in Non Compliance and then it can be found in Compliance and dismissed, which helps with repeat violations. It was determined that the Environmental case would be handled separately. Mr. Moore stated that he's being cited for a Junk Yard and if you look at the definition of a junk yard it does not include wood or tree debris. Mr. Moore then passed a packet. Chairman Lingenfelter than asked Isiah what the objects were for the junk yard violation. Isiah stated it was for the automobiles that were inoperable and added that they are all in compliance now. Chairman Lingenfelter that asked if the pile of wood was not the subject of the junk yard. Isiah it was included into the junk yard case. Mr. Moore stated for the Board to go to page 009 of the packet, which shows the Notice of Violation Request for Hearing and it states Junk Yard where not permitted. Large Pile of debris here. Mr. Moore said junk yard is a defined term which is not defined under the code section cited 72-241 which has to do with classifications. Mr. Moore added the definition of junkyard is in 72-2 and said it talks about premises where Junked materials, such as scrap metal, rubber tires, glass, wood scraps, plastic tools, equipment fixtures, appliances, construction materials, automobile parts, discarded automobiles, and paper, or similar materials are bought, exchange, stored, baled, package, pack, disassembled, or handled. Mr. Moore added that's not what is going on here, his client has a wetland alterations permit to clear trees that had been knocked down due to storms and hurricanes, he was cutting them up and hauling them off in truck he is also being cited for. Mr. Moore said that what was being described here is not even with the scope of the violation he is being cited for or the definition of a junk yard. Mr. Moore then asked for the Board to go to page 7 which shows his client being cited for Heavy Equipment stored/parked where not permitted, which he was using to haul the tree debris and other materials from the back of the house. Mr. Moore said that it is not accurate to say that it's constantly there, because it is not. Mr. Moore stated that it is improper to find him in non-compliance for this situation. Chairman Lingenfelter then asked if there was anyone else wanting to speak on the tree debris and heavy equipment cases.

Astrid spoke on behalf of the residents of the Turtle Cove subdivision and said that she would beg to differ with Staff's recommendation that the property is in compliance, she said that she has not seen the property herself over the time. She added that appears that it may be improving but it is a continued violation in the view of the residents. Astrid then asked if she could call some witnesses up. Mr. Moore objected stating this is not the County that this is a private party coming in and there is no legal right for them to be here. Sebrina Slack then said we will call the witnesses of the Homeowners Association and the other residents to present evidence to the Board as requested. Astrid then said the witnesses are Robert Sayer and Andrew Holture. Sebrina Slack then asked Mr. Sayer what personal information he had in regards to the debris and heavy equipment during the 2021 year. Mr. Sayer stated it comes and goes and that right now there is a pile of ceramic bricks and a pile of bicycles that have bene there for a long period of time. Mr. Sayer added that there are also several golf carts in various forms of repair or

disrepair, there are several sheds and trash cans. Mr. Sayer stated that one of the trash can fell over and nobody cleaned the mess up for days, causing another neighbor and his wife to go and clean the mess up themselves. Mr. Sayer said this has been a continuance problem and that the owner will clean it up for a while and then it goes back to the way it is now and unless you are out there all the time you don't really see it the way the other residents do. Mr. Holture stated he is the president of the home owners association for Stone Island. He said he hears a lot of complaints from the residents and that everyone in his community sees this property as it is at the main entry point of Stone Island. Mr. Holture said the heavy equipment is gone right now and wanted to note that he believes the gentleman's profession is tree cleaning, trimming of some sort.

Member Leonard asked Isiah if he was given information about Mr. Hayden owning a tree service. Isiah said many of the residents have told him he does but has not personally seen that. Isiah said he has seen the dumping and storage but cannot say he is actually running a tree service business. Member Leonard then asked Mr. Hayden if he owned In The Cut Tree Service and Remodeling. Mr. Hayden said yes. Mr. Moore then asked his client if he cuts down trees off site and brings it to his property to cut up and dump in his front yard. Mr. Hayden said no. Mr. Moore then asked where the debris that was shown in photos today come from. Mr. Hayden said it came from the back because he can't get a grapple truck back there to load it up, so a lot of times he has to drag the debris up front. Mr. Hayden said he bought this property to raise his children, he has 2 children living with him and has 13 children altogether, so there are a lot of bicycles and go carts. Mr. Moore asked if he burns the tree debris on his property. Mr. Hayden said he spoke with the Fire Department and was told that he could burn anything under an 8 foot radius without a permit as long as it was 25 feet away from the street. Mr. Hayden said he tried it but it didn't work so they loaded it up and took it out. Chairman Lingenfelter then asked if his testimony is that all debris that's been piled on this property has come from the property. Mr. Hayden said Yes and the wood that was brought to the property are stumps that he is using to make tables out of. Mr. Moore then asked Mr. Hayden if any residents of this community has ever come and asked for you to clean up the bikes and debris. Mr. Hayden said No, no one has ever come to talk to him and he does what he can to try to get along with everyone. Mr. Hayden explained how frustrating it has been knowing he gets complaints on him every day. Mr. Moore asked Mr. Hayden if his grapple truck is constantly on the property. Mr. Hayden stated No, that it is actually at his shop in Deltona. Mr. Hayden added that it was on property due to a hydraulic line that broke, but as soon as it was fixed it was moved. Member Zahn discussed the timeline that Isiah presented and made the motion. A roll call vote was taken for the motion to dismiss the case, the motion did not pass. Discussion was had for possibly 2 separate motions. A new motion was made for CEB2021107 for an Order of Non Compliance and Dismiss, Roll call vote was done and passed. The motion for CEB2021109 was then made to Dismiss the case and also had a roll call vote which passed.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non Compliance and Order of Dismissal for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.,** the motion it then **CARRIED** unanimously by roll call vote.

September 15, 2021

CEB2021109 - Steven W Hayden

Posted

Complaint No. 20210217050

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

Property Location: 1705 Turtle Hill Rd, Enterprise 32725

Parcel No. 910901000260

Zoning: RREA

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Apr 17, 2021

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an Order of Dismissal for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241**, it then **CARRIED** unanimously by roll call vote.

CEB2021192 - Steven W Hayden

Served

Complaint No. 20200824064

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

Property Location: 1705 Turtle Hill Rd, Enterprise 32725

Parcel No. 910901000260

Zoning: RREA

Environmental Specialist II - Julie McCrystal

Property owner was first notified of the violation on 7-3-21

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

Julie McCrystal, Environmental Specialist, presented the case. Julie went over the case details, showing photos. Julie said that on June 1, 2020 environmental permitting staff responded to a complaint and observe the wetland buffer violation and a stop work order was placed on the site. On June 22, 2020 applicant provided a wetland delineation and on November 9, 2020 a site inspection was conducted with the owner, the impacted area was determined and staff explained the 50 foot wetland buffer and the vegetation debris and invasive species would need to be removed from the site prior to planting. Julie said on 12-7-20 the wetland alteration permit was issued and on 12-9-20 a site inspection was conducted due to a complaint and found debris piles being burned within the wetland buffer. Julie added on 4-12-21 another site inspection was conducted in response to multiple complaints where additional trees had been removed in the wetland and that new clearing had occurred within the buffer. A stop work order was issued on 4-19-21. Julie said on 4-28-21 the County Forester and Code Compliance staff met onsite with the owner and attorney to discuss the violations. On 5-4-21 the wetland alteration permit was revised to include conditions regarding the second wetland buffer impact referenced in the 4-28-21 site meeting and the expiration date of the permit was extended to 6-26-21. On 6-29-21 a site inspection by EP staff was done to determine if the conditions of the permit had been satisfied, which they were not. Chairman Lingenfelter asked if the site inspection that was conducted on December 30th found it to be in compliance. Julie said the inspection was to check if the silk fencing was in place, and spoke to the owner to explain that he could not remove any of the stumps or roots because it was in the wetland buffer and that they needed to bring the site back to natural grade when the debris was removed. Julie added it was September 15, 2021

also explained to them that they would need to contact Development Engineering since they would need a Use permit for the temporary access to Stone Island Road. Mr. Moore asked if in the Notice of Violation it was demanded that he have a recent survey done. Julie stated a recent survey just means within 5 years. Mr. Moore then asked if she knew how long it takes to get a recent survey and stated that it takes 2 months or longer. Mr. Moore then asked if Julie asked him about the survey and Julie replied no. Mr. Moore then asked if Mr. Hayden ever indicated that he was not going to comply. Julie replied no. Mr. Moore then asked if he indicated that he was going to comply, Julie responded he did indicate his willingness to comply. Mr. Moore added that Mr. Hayden had a survey done on August 25th and just received the paperwork yesterday and hasn't had a chance to apply. Member Dwyer asked if the timeline for the recommendation was good for Mr. Moore and Mr. Hayden. Mr. Moore said this is more than just a survey and it should be enough time to get it started, but wasn't sure if total compliance would be met October 19th. Julie stated we would push the date out to the expiration date of the permit. Mr. Hayden asked Julie about the timeframe to get things done and Julie assured him that we could do amended orders to allow for the time. The motion was then made.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884 With a compliance date of October 19, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021130 - BODIFORD BOBBY ETAL & CAROL

Served

Complaint No. 20180417063

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). House built without permit

Property Location: 2101 Oak Hill Ranch Rd, Oak Hill 32759

Parcel No. 844702033010

Zoning: FR, RC

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Dec 12, 2020

Joel Quinones and Mariela Negrón were present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case in Debbie's absence. Margaret went over the case details, showing photos. Margaret stated that based on the property appraisers information, this is vacant land with miscellaneous improvements dating back to 2012. Margaret added the unrecorded subdivision of Cape Atlantic Estates were deemed non-exempt/not buildable in 1988. Only parcels that currently front on open County maintained roads may apply for vested rights, to have the County Engineer make a determination. This property will not be vested unless the owner applies for an Overall Development Plan. The "road" to this parcel is a named easement which runs over numerous other parcels, and it is unknown if the owner got legal permission from all the other property owners to cross their parcels. The ODP will, at minimum, involve construction of a road to County standards from I-95, on the easements in Cape Atlantic Estates. Margaret said the parcel is zoned FR/RC and non-conforming and based on the aerials it appears that some improvements were made in the resource corridor part, which is not allowed. Margaret said that Mr. Bodiford has been insisting that he does not own the property however his name is still on the deed and it is a purchase under contract. Margaret added that unfortunately these 2 here have been paying for all of this and it's something that can't stay on the property. Chairman Lingenfelter asked if there was a cure short of removing all of these structures. Margaret explained they would have to jump through a bunch of hoops between zoning and land development, but as it stands right now none of the stuff on the property can be there. Chairman Lingenfelter then asked who gave the property the address. Sebrina Slack said the post office will if you apply for one. Joel stated he bought this property because his brother owns the cornering land. Chairman Lingenfelter asked if his brother's property was adjacent to a public right away. Joel said he did not know. Joel added that he thought everything was legal because his property taxes are way higher than that of his brothers and his brother owns twice the amount of land. Chairman Lingenfelter explained the process that may be needed for this to be allowed and Sebrina Slack said that the Owner Mr. Bodiford would have to do that. Mariela said this is the problem we are having and feels like the way the property was sold to them was a trap. Mariela explained her frustrations since they are not the legal owners and don't want to lose out on all the money they have already spent. Chairman Lingenfelter said the issue he sees is that Mr. and Mrs. Bodiford are holding the responsibility to cure this and remove the buildings because they shouldn't be there. Chairman Lingenfelter then explained they may need to seek legal counsel for what their recourse may be with this situation.

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

September 15, 2021

MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of October 15, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing. After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021136 - DWINAL PHILIP B

Served

Complaint No. 20200923014

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). Metal Carport put up and not secured properly. No permits

Property Location: 137 Hann St, Oak Hill 32759

Parcel No. 950600000310

Zoning: MH-5

Code Compliance Officer - Fred Eastwood

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

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

Fred Eastwood, code compliance, presented the case. Fred went over the case details, showing photos. Fred stated on 9-23-20 he did an inspection and observed the violation. Fred added on 12-10-20 Mr. Dwinal came to the permit office and picked up the necessary application. Fred said that on 12-22-20 he spoke with the Mr. Dwinal who stated he had a contractor hired but it would be after the first of the year before he could do the work. Fred stated that on 1-29-21 no permit applications were on file so he sent the certified notice of violation. Fred said on 5-20-21 there still was not a permit application, therefore this case was setup. Chairman Lingenfelter asked when the last time he spoke to the owner was. Fred said that he pulled up at his last inspection and said he would get to it the first of the year.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of October 15, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021137 - DWINAL PHILIP B

Served

Complaint No. 20200923013

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). Metal Carport put up and not secured properly. No permits

Property Location: 128 Hann St, Oak Hill 32759

Parcel No. 950600000390

Zoning: MH-5

Code Compliance Officer - Fred Eastwood

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

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

Fred Eastwood, code compliance, presented the case. Fred went over the case details, showing photos. Fred stated on 9-23-20 he did an inspection and observed the violation. Fred added on 12-10-20 Mr. Dwinal came to the permit office and picked up the necessary application. Fred said that on 12-22-20 he spoke with the Mr. Dwinal who stated he had a contractor hired but it would be after the first of the year before he could do the work. Fred stated that on 1-29-21 no permit applications were on file so he sent the certified notice of violation. Fred said on 5-20-21 there still was not a permit application, therefore this case was setup. Chairman Lingenfelter asked when the last time he spoke to the owner was. Fred said that he pulled up at his last inspection and said he would get to it the first of the year.

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of October 15, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021138 - DWINAL PHILIP B

Served

Complaint No. 20200923033

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). Carport no permit

Property Location: 144 South St, Oak Hill 32759

Parcel No. 950600000230

Zoning: MH-5

Code Compliance Officer - Fred Eastwood

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

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

Fred Eastwood, code compliance, presented the case. Fred went over the case details, showing photos. Fred stated on 9-23-20 he did an inspection and observed the violation. Fred added on 12-10-20 Mr. Dwinal came to the permit office and picked up the necessary application. Fred said that on 12-22-20 he spoke with the Mr. Dwinal who stated he had a contractor hired but it would be after the first of the year before he could do the work. Fred stated that on 1-29-21 no permit applications were on file so he sent the certified notice of violation. Fred said on 5-20-21 there still was not a permit application, therefore this case was setup. Chairman Lingenfelter asked when the last time he spoke to the owner was. Fred said that he pulled up at his last inspection and said he would get to it the first of the year.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of October 15, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021152 - DELGADO CARLOS & HERMELINDA

Posted

Complaint No. 20200821039

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

Property Location: 815 S Montgomery Ave, Deland 32720

Parcel No. 701732000290

Zoning: R-4

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Sep 01, 2020

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

Isiah Pitts, code compliance, presented the case. Isiah went over the case details, showing photos. Isiah stated the property was first observed on 6-15-2020. Isiah added his last inspection was on 9-14-21 and the owner does have a roof permit in and it expires on 3-9-2022.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of March 14, 2022 and a Hearing to Impose Fine is set for the March 16, 2022 hearing.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

CEB2021195 - MCKINNON JESSE ROY

Served

Complaint No. 20210520050

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

Property Location: 120 South St, Oak Hill 32759

Parcel No. 950600000170

Zoning: MH-5

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on May 1, 2021

Jesse Mckinnon was present at the hearing for this case.

Fred Eastwood, code compliance, presented the case. Fred went over the case details, showing photos. Fred stated he was advised on 3-9-21 by the prior owner that the property was sold to Mr. Mckinnon. Fred said this was verified on 5-1-21 via the Property Appraisers website. Fred stated on 5-20-21 he inspected the property and there was no change and a Notice of Violation was sent. Fred said after still not having contact with the owner and no changes were made a case was set up on 7-6-21. Fred said his last inspection was on 9-13-21 and there were no changes. Fred showed the photos of the 2 car garage and carport. Chairman Lingenfelter asked if there was a home on the property before. Fred said there was a trailer home there a couple of years ago but it was removed. Chairman Lingenfelter asked Mr. Mckinnon what his plans were for the property. Mr. Mckinnon said he is currently trying to find a principal structure, but to order one new its 9 months so he has been looking at used homes, but every time he finds one it sells before he can even get there to look at one.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(1)(C) With a compliance date of January 15, 2022 and a Hearing to Impose Fine is set for the January 19, 2021 hearing.** After Member Nadeau **SECONDED** the motion, Member Dwyer Opposed, it **CARRIED** by voice vote.

September 15, 2021

CEB2021206 - ENY EQUITY LLC**Posted**

Complaint No. 20210304074

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Violation of B-6 zoning-Hotel motel guest renting of hotel rooms longer than 30 days

Property Location: 2801 E New York Ave, Deland 32724

Parcel No. 711800000081**Zoning: B-6C****Code Compliance Officer - Isiah Pitts**

Property owner was first notified of the violation on Mar 12, 2021

Martin Pedata, Attorney, was present at the hearing for this case.

Isiah Pitts, code compliance, presented the 5 cases together. Isiah went over the case details, showing photos. Isiah stated the property was first observed on 1-28-21 by the Fire Chief, Shane Lanoe and hand delivered 1 notice of violation to the property manager, Kish. Isiah said on 2-4-21 a fire prevention safety check was conducted. On 3-4-21 there was a scheduled meeting at the property to go over all the violations. Isiah stated that it was on this day that Kish advised people were staying there longer than the 30 days. Another meeting was held on 4-8-21 with the new property manager, Eddie. On 6-1-21 an email was received from William Wallace a general contractor who advised that the owner/manager advised him of the scope of work required but at that time he was not retained. On 7-14-21 we received another complaint from the Sheriff's Office advising of the above violation and other illegal activities going on at this property, Isiah then hand delivered 4 notice of violations to the new manager, Garry McDuffy and staff. Isiah said on 7-27-21 the notice of hearing was hand delivered to the manager and staff. Isiah's last inspection was on 9-14-21 and the property remains in violation. Isiah then went through photos that were taken. The photos showed electrical wiring hanging from ceilings, the kitchen area had piping exposed, and the pool deck and Isiah said his right foot went through the flooring on the deck. Isiah showed photos of the fencing around the pool which has not been permitted. Shane Lanoe stated that as they started walking into the front office, which is where the old bar/dance hall used to be and the doors were locked so the public couldn't necessarily just walk in there, but the manager had a key. Shane Lanoe went through more of the interior pictures where there were multiple electrical issues. Shane said when they went back for another inspection they found additional areas of work that was done and that all the wiring was stuffed and not secured properly. Shane showed a photo of one of the rooms and there was an outlet was burned out. Shane said there was multiple open slots in the electrical panel and that the panel was not labeled correctly. Isiah stated on 9-14-21 he observed kids getting off the school bus, approximately 11 children under the age of 12 that are living there. Isiah said he spoke with a representative and there are about 112 rooms here and 50 of them are occupied. Isiah stated his recommendation is to find this in noncompliance and refer it to CLCA. Kerry Leuzinger said that they have a follow up inspection this afternoon at 2 pm on site and he was going to be in attendance so he can put his own eyes on it. Kerry said we are very concerned about this property and are prepared to post unsafe placards and advise people they need to leave. Kerry added we are prepared to begin the condemnation process and that's why we are asking it to be referred to CLCA. Shane added after being on the property multiple times and learning people are living here is a violation of the fire code as well and there are a lot of life safety issues on this property. Member Leonard

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asked Isiah if he has confirmed the pool is locked and people can't get inside. Isiah said yes the pool is secured. Member Leonard added that public records show the pool was closed by the state back in March. Sebrina Slack added that on the other cases that are not CLCA qualified that we are recommended a finding of non-compliance with a compliance date. Sebrina also added that a records search indicated that this property is up for a tax deed sale in November, so it is imperative that we move for life safety.

Mr. Pedata said a couple of things I want to bring to your attention is the pool is not being used whatsoever, it is locked up but a pool permit was issued on July 12, 2021. He added they did hire a general contractor, Joen Construction Contracting, and they are going to do all the repairs to bring it up to compliance. Chairman Lingenfelter said their scope of work is all the trades and asked if he was a GC. Mr. Pedata said yes and they are hiring Kolton Electric for the electrical work that is needed and to bring it to code. Mr. Pedata said the rooms that have issues are locked and the public is not permitted to go into them for the obvious safety reasons and that's why the doors were locked when the inspectors came. Chairman Lingenfelter asked what the timeline was from the GC to complete the work was. Mr. Pedata said he was just retained yesterday and it was his understanding that they were in the process of applying for all the permits. Mr. Pedata said that with regards to the people staying there, that they are week to week and would not leave, so the police were called. Mr. Pedata said that in the statute it states you can call the police and force them to get out, when the police came they said it was a civil matter and that it has to be under the eviction process. Mr. Pedata said that a 3 day notice was sent to every one of those people and now the 3 days are up and he is filing eviction to get them out and is unsure of how long that may take. Chairman Lingenfelter asked what was being done with the vehicles that were left. Mr. Pedata said all the vehicles were gone but 1 remains and added that all the trash has been removed. Chairman Lingenfelter asked Mr. Pedata if he was going to be at the inspection that is happening later this afternoon. Mr. Pedata said he wasn't aware of it as he was just hired yesterday and had plans to fly to Buffalo, he added that he had tried to get this extended but was told there were major concerns and the cases were going to the Board to be heard. Chairman Lingenfelter explained the process of what happens when the case goes to CLCA.

Motions were then made as shown under each case.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a compliance date of October 15, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021207 - ENY EQUITY LLC

Posted

Complaint No. 20210128006

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: 2801 E New York Ave, Deland 32724

Parcel No. 71180000081

Zoning: B-6C

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Mar 12, 2021

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

CEB2021208 - ENY EQUITY LLC

Posted

Complaint No. 20210128008

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: 2801 E New York Ave, Deland 32724

Parcel No. 71180000081

Zoning: B-6C

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Mar 12, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b) With a compliance date of October 15, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021209 - ENY EQUITY LLC

Posted

Complaint No. 20210714030

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: 2801 E New York Ave, Deland 32724

Parcel No. 71180000081

Zoning: B-6C

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Mar 12, 2021

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 118-TRAFFIC & VEHICLES ARTICLE II ABANDONED VEHICLES, SEC. 118.34 With a compliance date of October 15, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2021210 - ENY EQUITY LLC

Posted

Complaint No. 20210714032

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

Property Location: 2801 E New York Ave, Deland 32724

Parcel No. 711800000081

Zoning: B-6C

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on Mar 12, 2021

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

MOVED to issue an Order of Non-Compliance for violation of Volusia County Code

of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a

compliance date of October 15, 2021 and a Hearing to Impose Fine is set for the

October 20, 2021 hearing. After Member Leonard **SECONDED** the motion, it **CARRIED**

unanimously by voice vote.

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CEB2021222 - FLIP IN STYLE LLC

Served

Complaint No. 20210809051

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Mechanical; Ext doors; Kitchen; Interior renovations; Interior partition removal; Covered work. Building, Mechanical, Electrical, Plumbing Permitting & inspections required. May not be a complete list. 8/9/21.

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 8-12-21

Sedika, Owner, was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated on 8-9-21 she received an email from Paul Traider stating there was work going on inside the home and he posted a Stop Work Order. Margaret said on 8-11-21 the property owner came into the permit center asking why the stop work order was posted, Margaret explained about the construction that was going on and drawing that would be needed. Margaret stated the owner wrote down what was being told to her and said she would get someone soon. Margaret stated that there was no further contact. Margaret went through photos showing the work that was done. Paul Traider stated that Margaret summed it up and confirmed he did visit the property and seen the new doors and AC and that it appeared interior renovations were being done as well. Paul added that a prevention inspection may be needed to see what all permits were going to be needed. Sedika said she bought this property and basically was doing cosmetic work to make it look nice and pretty, she was not aware of needing permits. Sedika said that there was a long wall in there that was removed to make an open concept home. Sedika said she had a contractor remove it who said it was not a load bearing wall. Sedika also said she did not know about the permit for the AC but will get it. She contacted the AC people she used to get the permit and now they are no longer communicating with her. It was explained that she may need to find a general contractor to get this work done.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of December 10, 2021 and a Hearing to Impose Fine is set for the December 15, 2021 hearing.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2021223 – LARIVIERE WILLIAM G & LENNY H

Sheriff Served

Complaint No. 20210624013

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). Carport, 3 sheds and enclosed porch

Property Location: 1859 7th Ave, Deland 32720

Parcel No. 700101380070 Zoning: R-4A

Code Compliance Officer – Robert Chayer

Property owner was first notified of the violation on 7-24-21

Josh Hemmerlein, complainant, was present via Webinar at the hearing for this case.

Robert Chayer, code compliance, presented the 3 cases together. Robert went over the case details, showing photos. Robert stated the cases are for several carports, sheds, covered porch and an expired pool permit. Chairman Lingenfelter asked if there was any communication with the property owner. Robert said we had contact with the property and he doesn't like us around and has threatened us, therefore everything is being sheriff served. Chairman Lingenfelter asked Robert how he acquired the photos. Robert stated that in June when this first started the owner allowed him on the property and from there we have not been allowed back. Robert said that there have been no permit applications to date. Due to technical difficulties Josh Hemmerlein was unable to speak.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of October 8, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021224 – LARIVIERE WILLIAM G & LENNY H

Sheriff Served

Complaint No. 20210624017

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: 1859 7th Ave, Deland 32720

Parcel No. 700101380070 Zoning: R-4A

Code Compliance Officer – Robert Chayer

Property owner was first notified of the violation on 7-24-21

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2, SECTIONS 105.1 AND 110.1 With a compliance date of October 8, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2021225 – LARIVIERE WILLIAM G & LENNY H

Sheriff Served

Complaint No. 20210811029

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: 1859 7th Ave, Deland 32720

Parcel No. 700101380070 Zoning: R-4A

Code Compliance Officer – Robert Chayer

Property owner was first notified of the violation on 7-24-21

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

MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b) With a compliance date of October 8, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing. After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2021244 - CHANMUGAM VIREN

Served

Complaint No. 20210625058

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: 4641 S Atlantic Ave, New Smyrna Beach 32169

Parcel No. 743504030150

Zoning: R-4W

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on Jun 14, 2021

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

Fred Eastwood, code compliance, presented the case. Fred went over the case details, showing photos. Fred stated on 6-24-21 he received a complaint of short term renting and when he went to do an inspection a cleaning company was at the property and stated new renters would be checking in that night. Fred added that on 6-25-21 he spoke with the new renters and they stated they arrived on Thursday and would be checking out on Sunday. Fred then sent a notice of violation to the property owner. On 7-22-21 Fred spoke to new renters from Kentucky who arrived on 7-16-21 and were leaving on 7-23-21. Fred then stated on 7-27-21 he spoke to new renter that stated they arrived on Thursday evening (7-23-21) and were leaving on 7-27-21. Fred then spoke to the new renters on 8-6-21 who said they arrived on 8-4-21 and were leaving on 8-9-21. Fred added on 8-17-21 he went back to the property and spoke to the new renters from Missouri and they stated they were there for 1 week and would be leaving on 8-22-21. Fred then sent the notice of hearing to the property owner. Fred's showed screenshots from Airbnb that shows the property can be rented for a minimum of 3 days. Fred said he spoke with the property owner who then changed the ad to show a minimum of 30 nights stay. Fred then gave his recommendation as below.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance and Order of Dismissal, referring to CLCA, for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Dwyer **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2021256 – ELISABETH & COLIN KNIGHTS

Served

Complaint No. 20210611001

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

Property Location: 375 E Country Circle Dr., Port Orange 32128

Parcel No. 720102001070

Zoning: A-2, RC, RR

Environmental Specialist II – Todd Hannah

Property owner was first notified of the violation on 7-11-21

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

Todd Hannah, Environmental Specialist, presented the case. Todd went over the case details, showing photos. Todd said the rear of the property was cleared. Todd showed the survey from the original permit for the house which shows the wetland. Todd said that he spoke with Elisabeth when he posted the stop work order but that was the last of the communication. Chairman Lingenfelter asked if they were in the wetlands or the wetland buffer. Todd said in the buffer and it is unclear at this moment if they are in the wetlands. Todd said they would require a new wetland delineation.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884 With a compliance date of October 11, 2021 and a Hearing to Impose Fine is set for the October 20, 2021 hearing.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 15, 2021

XI. Requests for Discussion of Accumulated Fines

CEB2020280 - FLORIDA ACQUISITIONS LLC

Posted

Complaint No. 20190614040

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits / inspections or approvals. New window(s) / door(s); Window removal w/ CMU in-fill exterior wall; New plumbing / plumbing rework; New electrical / electrical re-work; May not be a complete list.

Property Location: 705 Temple Ave, Orange City 32763

Parcel No. 800307000950

Zoning: R-4

Code Compliance Officer - Isiah Pitts

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

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

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

*Final Order Imposing Fine Lien issued at the May 19, 2021 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 3, 2021:

*Order of Compliance issued at the August 18, 2021 hearing:

Request for Discussion of Fine/Lien of \$2,100.00

John Houde, was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret Godfrey went over the case details, showing photos. Margaret stated on 6-3-21 a permit was issued to correct the violation and was finalized on July 29th. The lien started on June 17th, 2021. Margaret said that due to the lack of activity until this year, including the cancelled permit application from May 2020 that staff is recommending the fine stay at \$2,100.00.

John said he had to get full engineering, and that took a while and thought he was in clear communication with the County. There were many delays and it was always our full intent to get it done. John stated he is asking that this was not done under our ownership but they did fix it and would like to ask for a full reduction.

Member Dwyer asked Margaret if she would change her recommendation after hearing John. Margaret said she recommend it stay the same because some of the work was done by them. The motion was then made.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to reduce the fine to One Thousand Dollars, payable within 30 days and issue an Order of Dismissing and Releasing Fine/Lien once paid for violation of Volusia County Code of Ordinances, CHAPTER 22-2, SECTIONS 105.1 AND 110.1.**

After Member Nadeau **SECONDED** the motion, Member Dwyer and Member Leonard opposed, it **CARRIED** by voice vote.

September 15, 2021

Unfinished business from the Addendum

CEB2015091 - ANDERSON, WAYNE

Sheriff Served

Complaint No. 20130731002

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

Property Location: 725 Deland Av, Orange City 32763

Parcel No. 800401620230 Zoning: R-4

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Jul 27, 2015

*Order of Non - Compliance issued at the October 21, 2015 hearing:

*Final Order Imposing Fine Lien issued at the December 16, 2015 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 13, 2021:

Order of Compliance

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

CEB2021158 - Ernesto and Conception Guillen- Cortez

Served

Complaint No. 20200923035

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

Property Location: 1405 Central Pkwy, Deland 32724

Parcel No. 700103260200 Zoning: R-4A

Environmental Specialist II - Todd Hannah

Property owner was first notified of the violation on Sept 23, 2020

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

*Final Order Imposing Fine Lien issued at the August 18, 2021 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 14, 2021:

Order of Compliance

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

September 15, 2021

XII. New Business

Member Don Needham left the meeting at 11:00 am

- 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**

XIII. Adjournment

There being no further business to discuss before the Board, the meeting adjourned at 2:16 pm.

Respectfully submitted,

Ramona Jones
Code Enforcement Board Clerk

September 15, 2021

CERTIFICATE

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

I, Ramona Jones, Code Enforcement Board Clerk, do hereby certify that the foregoing pages constitute a true and accurate transcript of the minutes of the Volusia County Code Enforcement Board taken on September 15, 2021, at 123 West Indiana Avenue, Deland, Florida.

WITNESS MY HAND this 30th day of September, 2021, in the City of DeLand, County of Volusia, State of Florida.

**Ramona Jones
Code Board Clerk**

September 15, 2021