



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

September 18, 2019

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

Building

MEMBERS PRESENT

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

MEMBERS ABSENT

Andrew Hall

STAFF PRESENT

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

* * * * *

APPROVAL OF MINUTES

* * * * *

The minutes from the August 21, 2019 hearing, were not complete; there were no minutes to approve.

* * * * *

UNFINISHED BUSINESS

CEB2013149-CELESTINA RICHARDSON, EST.

Posted

Complaint No. 20130909035

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I

September 18, 2019

SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s)

Property Location: 1238 13th St, Daytona Beach 32117

Parcel No. 424219380010 Zoning: R-5

Code Compliance Coordinator – Margaret Godfrey

Property owner was first notified of the violation on Oct 2, 2013

*Order of Non - Compliance issued at the December 18, 2013 hearing:

*1st Amended Order of Non-Compliance issued at the January 15, 2014 hearing:

*Final Order Imposing Fine Lien issued at the April 16, 2014 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 5, 2019:

Order of Compliance

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

CEB2013150-CELESTINA RICHARDSON, EST.

Posted

Complaint No. 20130909036

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: 1238 13th St, Daytona Beach 32117

Parcel No. 424219380010 Zoning: R-5

Code Compliance Coordinator – Margaret Godfrey

Property owner was first notified of the violation on Oct 2, 2013

*Order of Non - Compliance issued at the December 18, 2013 hearing:

*1st Amended Order of Non-Compliance issued at the January 15, 2014 hearing:

*Final Order Imposing Fine Lien issued at the April 16, 2014 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 5, 2019:

Order of Compliance

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

September 18, 2019

CEB2018457-LUZNAR ROGER J

Served

Complaint No. 20180828002

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

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

Parcel No. 721100000030

Zoning: BPUD

Code Compliance Coordinator - Margaret Godfrey

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

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

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

*1st Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 20, 2019:

Order of Compliance

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

CEB2019223-WHEELER JAMES

Served

Complaint No. 20190513063

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

Property Location: 1729 N Clara Ave, Deland 32720

Parcel No. 603313000050

Zoning: R-3A

Code Compliance Coordinator - Margaret Godfrey

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

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

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

Order of Compliance

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

September 18, 2019

CEB2019224-WHEELER JAMES

Served

Complaint No. 20190513062

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

Property Location: 1729 N Clara Ave, Deland 32720

Parcel No. 603313000050

Zoning: R-3A

Code Compliance Coordinator - Margaret Godfrey

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

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

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

Order of Compliance

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

CEB2019203-BALKO JOHN BAILEY

Posted

Complaint No. 20190326026

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

Property Location: 2655 Camelia Rd, Deland 32724

Parcel No. 700106080220

Zoning: R-4A

Code Compliance Coordinator - Margaret Godfrey

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of August 22, 2019:

Order of Compliance

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

September 18, 2019

CEB2019229-HARRIS EUNICE L

Served

Complaint No. 20190613049

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

Property Location: 241 Miller Rd, Deland 32724

Parcel No. 701022000080

Zoning: R-4A

Code Compliance Coordinator - Margaret Godfrey

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of September 17, 2019:

Order of Compliance

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

CEB2017211-TAYLOR FRED J & MARTHA P

Posted

Complaint No. 20170508047

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: 1098 George Anderson St, Ormond Beach 32174

Parcel No. 423805100160

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on May 11, 2017

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

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

*2nd Amended Order of Non-Compliance issued at the September 19, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the March 20, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. The permit is valid until January 18, 2020. Staff recommends a fourth amended order of non-compliance, with a hearing to impose fine scheduled for February 19, 2020.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the January 19, 2020 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Leonard **SECONDED**

September 18, 2019

the motion, it **CARRIED** unanimously by voice vote.

CEB2017352-CRABTREE RANDY HOWARD **Posted**

Complaint No. 20171016008

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. There was a permit issued, but it expired; with no inspection approvals or requests. The site and conditions remain unchanged. Staff is recommending a fine in the amount of \$50.00 per day, per case; with a cap of \$3,500.00 per case, to commence on October 17, 2019.

Randy Crabtree said they're still working on the property. He said they hired someone to make a site plan, for the building behind the mobile home. He explained who brought the mobile home out and put it together. He said there is a building behind it that they had to tear down. He said they've done a lot to the property. He said they are trying to get a permit for the building behind the mobile home, which was basically a pole barn. He said he didn't know that it was built without a permit.

The Chairman asked Mr. Crabtree, if he removed all the abandoned vehicles.

Mr. Crabtree said that the vehicles are gone.

The Chairman asked Margaret, if she could inspect the property and close that one out.

Margaret said accessory structures, it included abandoned vehicles; which are gone, however that other building is still back there and now the permit is expired.

September 18, 2019

The Chairman asked about the fence.

Margaret said it's still out there and there are no permit applications.

The Chairman said we need a permit for the fence and a permit for the mobile home. He asked why American didn't ask for inspections.

Mr. Crabtree said they haven't because, electric was put in there just three weeks ago. He said they still have to do some things with the plumbing. He said there are a lot of things that still need to be done.

The Chairman said there are incremental inspections that could have been called for. He explained what Mr. Crabtree needs to do.

Mr. Crabtree said that he is going to take the fence down.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Seventh Amended Order of Non-Compliance with a compliance and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-277 (C).** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017353-CRABTREE RANDY HOWARD Posted

Complaint No. 20171016009

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-282 fence, wall or hedge over the maximum height allowed

Property Location: 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:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

September 18, 2019

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Seventh Amended Order of Non-Compliance with a compliance and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Sections 72-282.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017354-CRABTREE RANDY HOWARD Posted

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:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Seventh Amended Order of Non-Compliance with a compliance and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.0 and 110.1.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 18, 2019

CEB2018174-POTTER JANICE Q & BRIAN C Served

Complaint No. 20171117018

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

Property Location: 679 Yale Rd, Deland 32724

Parcel No. 702801240170 Zoning: R-3

Code Compliance Officer - Michael Mazzola

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

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

*1st Amended Order of Non-Compliance issued at the July 18, 2018 hearing:

*2nd Amended Order of Non-Compliance issued at the September 5, 2018 hearing:

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

*4th Amended Order of Non-Compliance issued at the March 20, 2019 hearing:

*5th Amended Order of Non-Compliance issued at the May 15, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He said that Mr. Potter has applied for a variance, but has not paid the fee. Staff recommends a fine in the amount of \$50.00 per day, commencing on October 17, 2019; not to exceed \$20,300.00.

The Chairman asked if Mr. Potter was denied the variance.

Michael said I know he has to pay the fee.

Mike Nelson, Building and Code Administration Director, said I don't think it's actually been processed yet. He said I think he's met with them and has everything together to apply for the variance, but he doesn't have the money for the application fee.

The Chairman said and we're concerned it might stall.

Mr. Nelson said it's already stalled.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, not to exceed \$20,300.00, to begin on October 17, 2019.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 18, 2019

CEB2018282-STRICKLAND GAIL

Served

Complaint No. 20180409040

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). (Enclosing carport and making it into living space)

Property Location: 62 Margaret Rd, Ormond Beach 32176

Parcel No. 323403000570

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Apr 19, 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 April 17, 2019 hearing:

*3rd Amended Order of Non-Compliance issued at the June 19, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. There was a permit application submitted, but there was a requests for additional information was made. Ms. Strickland never responded to the requests and the permit application was cancelled on September 10th. Staff recommends a fine in the amount of \$100.00 per day, to commence on October 17, 2019; not to exceed \$14,000.00. Margaret said that one of the requests for additional information was for the size of the window in the bedroom, which does not meet the egress requirements. She said it's too small. She said staff thought that it should be posted as unsafe, because it is a bedroom.

Russ Brown, Assistant County Attorney, said that staff will be posting the property as unsafe; we're just letting the board know, as opposed as a recommendation to post it as unsafe. Correct?

Margaret said yes.

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day, not to exceed \$14,000.00, to begin on October 17, 2019.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 18, 2019

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:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. There is one inspection approval left. She said I did speak to Mr. Criswell about that and he said he wasn't ready for it, however the permit is now valid, until the beginning of February. Staff recommends a second amended order of non-compliance, with a hearing to impose fine scheduled for the February 19, 2020 hearing.

Based on the evidence and testimony provided, Member Nadeau **MOVED to issue an Second Amended Order of Non-Compliance with a compliance and a Hearing to Impose Fine/Lien to be scheduled for the February 19, 2020 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.0 and 110.1.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018365-DELAFORCE BARTON ANTON

Served

Complaint No. 20180123067

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). (Addition, covered carport, rear deck, above ground swimming pool and re-roof)

Property Location: 298 Sugar Sand Tr, New Smyrna Beach 32168

Parcel No. 722603000010

Zoning: A-3

Code Compliance Coordinator - Margaret Godfrey

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

September 18, 2019

Margaret Godfrey, Code Compliance Coordinator, presented the case. She said she's had no contact with the property owners, since the last hearing. She said there has been no application submitted to date, and the structure is still there. Staff recommends a fine in the amount of \$100.00 per day, to commence on October 17, 2019; not to exceed \$10,000.00.

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day, not to exceed \$10,000.00, to begin on October 17, 2019.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019034-HOYLE JOSEPH ALLEN Posted

Complaint No. 20190205023

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

Property Location: 325 Niagara Ave, Orange City 32763

Parcel No. 801001160020 Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He showed the board the pictures from his presentation. He said that more junk has been brought onto the property. Staff recommends a fine in the amount of \$50.00 per day, per case, commencing October 17, 2019; total cap \$4,000.00 per case.

Member Wild asked if there has been any change since June.

Mr. Hoyle said yes.

Member Wild asked what the changes have been since June.

Michael said that he has seen a little bit of a clean-up, but not much since June. He said there are still a lot of items out there.

Joseph Hoyle gave his name and address for the record. He gave his tablet to the board; he said that there were new pictures of the condition of the property on it. He went through

September 18, 2019

his pictures with the board and Michael. He said within the last 10 days, after Michael's inspection, they were able to get a lot done. He said that he has about another week to go.

The Chairman asked for Mr. Hoyle to explain the specific items that were removed from the property.

Mr. Hoyle said all the vehicles that are there are tagged. He said all the old vehicles are gone, except for the van that is for sale.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$4,000.00, on each case to begin on November 21, 2019.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019035-HOYLE JOSEPH ALLEN Posted

Complaint No. 20190205025

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: 325 Niagara Ave, Orange City 32763

Parcel No. 801001160020 Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case, not to exceed \$4,000.00, on each case to begin on November 21, 2019.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 18, 2019

CEB2019105-MAUTON MANAGEMENT INC DODDRIDGE JONATHAN Posted

Complaint No. 20181019029

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

Property Location: 1741 Valencia Ave, Ormond Beach 32174

Parcel No. 424264000300 Zoning: R-5

Code Compliance Officer - Robert Chayer

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

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

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

*2nd Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. He said the property has changed hands and the new owner of the property, is here with us. He said the new owners are out there, trying to clean it up. He said he's talked with the new owners and the complainants. He said the complainants are very happy with the progress. Staff recommends a third amended order of non-compliance, with a hearing to impose fine scheduled for November 20, 2019.

Jonathan Doddridge gave his name and address for the record. He said my garbage company will not pick up the debris in the front. He said they told him, they have no claw machine.

The Chairman said you just have to come up with a way to get it picked up.

Mr. Doddridge said yes.

Charles Cino, Board Attorney, asked Mr. Doddridge if he has a landscaping business. He said you pick up your own debris then.

Mr. Doddridge said I have a trailer, but no Bobcat. He said its mangled thorns, you couldn't move it if you wanted to.

Member Needham said you have someone that might help you.

Mr. Doddridge said that Robert might help.

Robert said they're going to see what resources they have available, to help him.

September 18, 2019

Based on the evidence and testimony provided, Member Needham **MOVED to issue a Third Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article II Sec. 58-36.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019122-PIATEK JOSEPH Posted

Complaint No. 20190116012

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

Property Location: 627 Easy St, Daytona Beach 32117

Parcel No. 521109000340 Zoning: R-5A

Code Compliance Officer - Robert Chayer

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

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

*1st Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. He said there has been very little change on the property and there has been no contact with the owner.

The Chairman asked if the hurricane contributed to the change.

Robert said no, we were hoping. He said it remained exactly the same. Staff recommends a fine in the amount of \$50.00 per day, to commence on October 17, 2019; not to exceed \$8,000.00.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, not to exceed \$8,000.00, to begin on October 17, 2019.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 18, 2019

CEB2019160-HOUNSOM SUSAN E

Posted

Complaint No. 20190315005

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). (Shed and renovations to convert storage to living space)

Property Location: 811 Garfish Ave, New Smyrna Beach 32169

Parcel No. 850501700180

Zoning: R-9W

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Mar 25, 2019

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

*1st Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. Ms. Hounsom did allow myself and Chris Hutchison, Code Compliance Manager, into the property; she was right, we were wrong. She said we would like to have both of the orders of non-compliance rescinded.

Mr. Cino asked if they just wanted to dismiss it.

Margaret said well, there were orders of non-compliance that are attached to the property, but we went out there and it isn't technically an apartment. She said it's a bedroom suite.

Mr. Cino said dismiss the case.

Mr. Brown said yes sir, after the board, if it's their favor, to rescind the order of non-compliance and dismiss the case. He said once she gave us access, she was correct.

Margaret said it's not a single-family being used as a multifamily. She said after much discussion with staff, this is what we decided. She said technically, she wasn't in non-compliance.

Based on the evidence and testimony provided, Member Zahn **MOVED to rescind our original finding of non-compliance and dismiss the cases.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 18, 2019

CEB2019162-HOUNSOM SUSAN E

Posted

Complaint No. 20190318031

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

Property Location: 811 Garfish Ave, New Smyrna Beach 32169

Parcel No. 850501700180

Zoning: R-9W

Code Compliance Coordinator - Margaret Godfrey

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

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

*1st Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to rescind our original finding of non-compliance and dismiss the cases.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019185-NAAB DARLENE ROMELLE

Posted

Complaint No. 20181102007

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

Property Location: 1469 E Euclid Ave, Deland 32724

Parcel No. 70150000210

Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. He said his last inspection was on August 6, 2019. He said nothing has changed. Michael said there is a T.V and refrigerator in the front yard too. Staff recommends a fine in the amount of \$50.00 per day, to commence on October 17, 2019; not to exceed \$6,600.00.

Member Leonard asked if there were still tenants there.

Michael said no, he checked and there was no one there.

September 18, 2019

After discussion and based on the testimony and evidence presented, Member Nadeau **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, not to exceed \$6,600.00, to begin on October 17, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019188-HENDRICKS RONALD **Served**

Complaint No. 20190301086

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

Property Location: 47 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000580 **Zoning: R-4**

Code Compliance Officer - Robert Chayer

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

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

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

*2nd Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. He showed the board some updated photos that he took, of the property. He showed the board a photo that was taken on 9/12/19; he said that a lot of the debris around the French doors had been cleaned up. Robert explained that a lot of the debris in the side yard, has been cleaned up as well. He said that there is still a lot of stuff there, but Mr. Hendricks is working towards it. He showed the board an overall view of the property. Robert said it isn't finished, but Mr. Hendricks is working diligently toward it. Staff recommends a third amended order, with a hearing to impose fine scheduled for October 16, 2019.

The Chairman specified that this is only for CEB2019188.

Robert said yes.

The Chairman said we will deal with CEB2019189, separately.

Robert agreed.

Stanley Pollock gave his name and address for the record. He asked the board to bring the pictures back up. He said that he lives next door to the property. He said that he is the person that filed the initial complaints. He directed the board to the picture of the boat, he said there is still debris along the fence. He said there were items on the roof, and that he moved a glass pane before the hurricane. He said the hot tub-thing is still in the backyard; he said he removed one from the ground in July of 2017, and he's just had it in

September 18, 2019

his backyard. He said it's not connected, so they won't file anything against it.

Mr. Pollock directed the board to a picture of the backyard; he said it hasn't changed. He said Mr. Chayer didn't take a picture of it, but I brought photos in. He said I need to make sure that I present everything that you guys should be aware of, before I have to take further action. He asked the board to review the 7 pictures that he brought today. He said they include pictures from yesterday afternoon and September 2nd, the day before the hurricane. He said that he wanted the board to view pictures from October of 2017, as they were the first pictures that he sent to the Code Enforcement Department and Mr. Nelson. He also wanted the board to view an e-mail that he sent in March of 2016, where he first complained about the debris, because of the property owner throwing rats into my backyard. He said he was not aware that there was a junkyard statute, at that time. He said I brought these files in and I would like the board to look at them, so they can have some idea why this has been going on.

The Chairman said you're not disputing the accuracy of these photos; you're agreeing that these photos on these dates are accurate.

Mr. Pollock said right, but he didn't take the picture of the back.

The Chairman said the photos presented to us, are accurate.

Mr. Pollock said yes; well they're not complete.

Member Wild asked Mr. Pollock, if Mr. Hendricks had brought any new stuff in.

Mr. Pollock said no, he's been spending more time clearing brush; he cleared that backyard behind the garage because it was originally completely overgrown and there was a shed. He said he started raising hell, so he took the shed out and started clearing the brush out.

Member Wild said so, you've seen some improvement.

Mr. Pollock said yes, but that was on April 1st. He said there has been no improvement since April 1st, except for the large glass pane that was on the balcony, which he moved before the hurricane. He said I think he has that stacked against the neighbor's house on the East side of his property now. He said their garage is right next to the property line and he took down the chain link fence and he has wooden debris stacked against their garage now.

He showed the board the first e-mail that he sent in 2016. He said he didn't even know that there was a code for junkyard. He said the neighbor's jokingly called it the Brooks drive junkyard.

September 18, 2019

Mr. Nelson asked were there pictures?

Mr. Pollock said no, I did not submit pictures of June 2016. He said the next one is from October of 2017; he said this is when I found out there actually was a code for junkyard. He said this time, I did send pictures in and they show the same areas, basically. He said this is how it was originally.

The Chairman asked for the date of the photos.

Mr. Pollock said these are from October 6, 2017. He said they were all taken the same day. He showed the board a picture of what Mr. Chayer cited him for, as a junkyard.

Mr. Nelson said that has nothing to do with the case.

Mr. Pollock said I want you to see the minimal criteria that Mr. Chayer considers, for a junkyard. He said these are from June 1st; two months after the April 1st pictures that Mr. Chayer initially took. He said there's absolutely no changes here.

Member Zahn said we're talking about now.

The Chairman said we saw pictures of July and there were changes and you agreed that there were changes, since June.

Member Wild said we've already found him in violation.

Mr. Pollock said right, but. He said the homeowner seems to think that it's okay for him to keep these materials on his house. He showed a picture from the day before. He acknowledged that Mr. Hendricks moved a pane of glass off the balcony, but he said there was still stuff up there that could blow down easily.

Member Wild said we've recognized that it's not finished, we've recognized that he's done some work to get it there. We gave him a month to clean it up and then there will be a hearing to impose fine next month.

Mr. Pollock said you all have given him six months to clean it up. He said it took me three years, I had to copy Mr. Recktenwald, on the e-mail before I could get Mr. Nelson to actually file the complaint or violation.

Mr. Nelson said actually I don't file complaints, Mr. Pollock; Code Enforcement staff files complaints. You send it to me, I send it to staff and they file the complaint.

Mr. Pollock said right, you've got no responsibility with that.

September 18, 2019

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

CEB2019189-HENDRICKS RONALD **Served**

Complaint No. 20190402035

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

Property Location: 47 Brooks Dr, Ormond Beach 32176

Parcel No. 420310000580 **Zoning: R-4**

Code Compliance Officer - Robert Chayer

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

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

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

*2nd Amended Order of Non-Compliance issued at the August 21, 2019 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case. Robert said that the violation was for French doors, stairs and a pergola were put in without permits. He said Mr. Hendricks has taken out the stairs. He said the pergola was put in the rear of the house originally, and there is hurricane damage to it. He said it was put up without a permit. He said Mr. Hendricks told him that he's been working with an architect, to get things squared away. Mr. Hendricks wants to do some changes to the building, now that he's got to do some work to it anyway. He wants to put the stairs back on the outside, where they were originally and he wants to keep the French door. He said Mr. Hendricks wants to put up a railing and also modify the deck. Robert said he's been to the office and I've had contact with him. Staff recommends a third amended order of non-compliance, with a hearing to impose fine scheduled for October 16, 2019.

Stanley Pollock gave his name and address for the record. He asked Robert if he actually went into the garage and see that the stairway has been removed.

Robert said yes, there is a picture of it. He asked where it was.

Robert showed Mr. Pollock his picture.

Member Zahn said I think we saw that last time.

Robert said yes, we did.

September 18, 2019

Mr. Pollock said so, you're saying he has no access to the second floor.

Robert said I'm saying the stairs have been removed.

Member Zahn said he's saying there's no stairs there.

Mr. Pollock said which means he has no way to get back up on the second floor, without a ladder. He said I just want to point out that this is an accessory building that is 34 feet high and about 1200 square feet. He said the codes call for 15 foot maximum height and no building more than 500 square feet on a property. He said Mr. Hendricks has been using it for residential usage, even though it is supposed to be used for storage. He said that is just accessory information.

The Chairman said all that will be considered, when he applies for a permit for the stairs.

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

CEB2019199- DANIEL JACQUELINE M

Posted

Complaint No. 20181011019

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: 1421 W New York Ave, Orange City 32763

Parcel No. 800401710150

Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

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

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. The last inspection was on September 6, 2019. He said he spoke with Ms. Daniels on September 9, 2019 and she said she wants to keep the shed. There have been no permit applications to date and the site and conditions remain unchanged. Staff recommends a fine in the amount of \$50.00 per day, not to commence on October 17, 2019; with a maximum amount of \$14,900.00.

September 18, 2019

Jacqueline Daniel gave her name and address for the record. She said that she has spoken with Michael and we have talked. She said when she purchased the shed from the company, there was a miscommunication there and a permit wasn't filed. She said they thought there was a permit filed. She said if she would have known that, she wouldn't have gone through with the shed, as it has cost her a lot more than that little bit. She said I can't file the permit without a survey.

Ms. Daniel said I just now, was able to track down my builder because he was an older builder. She said they are going to re-certify it and she can't do anything without the survey. Ms. Daniel explained what the permit department needed, in regard to paperwork. She asked for more time to get together the money, as she has a large family at home. She said she is not trying to ignore the violation. She said the money is holding her up, but she has all the information.

The Chairman asked how long it's been sitting there, as it is today.

Ms. Daniel said we got it a couple years ago. She said nobody knew that the permit wasn't filed; we thought they were going to, but they didn't. She said we didn't know that it wasn't filed, until Michael contacted us.

The Chairman said I see that there's floodlights on, is there power out there?

Ms. Daniel said yes, there is power hooked up to it.

The Chairman said I'm a little concerned about there being power hooked up.

Ms. Daniel said it was hooked up by an electrician. She said it was pre-wired with a box in it. She said we had an electrician come out and they wired it for us.

The Chairman said so they connected the box to a circuit in the house.

Ms. Daniel said yes. She said that was all done and I'm here because of a miscommunication.

September 18, 2019

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

CEB2019200-SIEBERT JEREMY

Served

Complaint No. 20190118012

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

Property Location: 1329 W Taylor Rd, Deland 32720

Parcel No. 701900000181

Zoning: RR

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jun 07, 2019

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. The site and conditions remain unchanged. Staff recommends a fine in the amount of \$50.00 per day, to commence on October 17, 2019; with a maximum amount of \$11,000.00.

Member Zahn said that \$11,000.00 for a violation like that seems high. He said I know you do it on percentage of property value, I was thinking \$5,000.00 as a cap, is a more appropriate amount.

Mr. Nelson said that's more than fine.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, not to exceed \$5,000.00, to begin on October 17, 2019.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 18, 2019

X. Hearings and Presentation of Filed Notices of Violations

CEB2019217-WILSON NATHAN K Served

Complaint No. 20190624014

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

Property Location: 1554 Arrowhead Tr, Enterprise 32725

Parcel No. 910805000060 Zoning: R-3(1) EA

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jun 26, 2019

THIS CASE WAS CONTINUED

CEB2019219-GORDON CATHERINE L Served

Complaint No. 20190306010

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

Property Location: 15 Lenox Ct, Deland 32720

Parcel No. 702011000137 Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

THIS CASE WAS WITHDRAWN

CEB2019220-GORDON CATHERINE L Served

Complaint No. 20190306012

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

Property Location: 15 Lenox Ct, Deland 32720]

Parcel No. 702011000137 Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

THIS CASE WAS CONTINUED

September 18, 2019

CEB2019238-BRAUNSTEIN JORDAN

Served

****REPEAT VIOLATION****

Complaint No. 20190729014

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

Property Location: 122 Ocean Grove Dr, Ormond Beach 32176

Parcel No. 322104000330

Zoning: R-4

Code Compliance Officer - Robert Chayer

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

*The Board continued this case from the August 21, 2019 hearing:

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Steve Garthe, Attorney, gave his name and address for the record. He represented the property owner, who was not present. He said that he wished to contest the violation.

Transcribed via court reporter.

CEB2019239-JCHS ASSOCIATES LLC

Served

Complaint No. 20190513003

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

Property Location: 19 Julie Dr, Ormond Beach 32176

Parcel No. 321608000080

Zoning: R-4

Code Compliance Officer - Robert Chayer

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

*The Board continued this case from the August 21, 2019 hearing:

THIS CASE WAS WITHDRAWN

September 18, 2019

CEB2019249-RUSSEK ROCK A Posted

Complaint No. 20190215052

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: 1429 Jackson Ave, Daytona Beach 32117

Parcel No. 423301020100 Zoning: R-4

Code Compliance Officer - Robert Chayer

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

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Rock and Melissa Russek gave their names and address for the record.

The notice of violation was posted on April 23, 2019. The notice of hearing was posted on August 30, 2019. Robert said the most recent inspection was on September 10, 2019. He explained his pictures to the board. Staff recommends a finding of non-compliance, with a compliance date of November 1, 2019; with a hearing to impose fine scheduled for November 20, 2019.

Robert said that he realizes that there are a lot of things to clean up on the property and that he is more than willing to work with the property owner's. He said he picked November 1st as a compliance date, but that can be adjusted.

The Chairman asked if there was a principle structure on the property.

Robert said yes.

Mr. Russek said he'll take care of it all, as soon as possible, just give me as much time as you can. He said the hurricanes held them up and he is also waiting for an indemnity check. He said he does house clean-ups and his truck broke down, so he had to take everything out of his truck. He said there was a furniture shop and they took all their beds. He said his trailer also broke down; the tire fell off of it. He explained what items were in the yard and how he intended to remove them.

Based on the evidence and testimony provided, Member Leonard **MOVED to issue an Order of Non-Compliance with a compliance date of December 10, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the December 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (E).** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 18, 2019

CEB2019250-RUSSEK ROCK A Posted

Complaint No. 20190215053

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

Property Location: 1429 Jackson Ave, Daytona Beach 32117

Parcel No. 423301020100 Zoning: R-4

Code Compliance Officer - Robert Chayer

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

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Leonard **MOVED to issue an Order of Non-Compliance with a compliance date of December 10, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the December 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019251-RUSSEK ROCK A Posted

Complaint No. 20190215054

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: 1429 Jackson Ave, Daytona Beach 32117

Parcel No. 423301020100 Zoning: R-4

Code Compliance Officer - Robert Chayer

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

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Leonard **MOVED to issue an Order of Non-Compliance with a compliance date of December 10, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the December 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287 (A).** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 18, 2019

CEB2019252-RUSSEK ROCK A Posted

Complaint No. 20190215051

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: 1429 Jackson Ave, Daytona Beach 32117

Parcel No. 423301020100 Zoning: R-4

Code Compliance Officer - Robert Chayer

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

The respondent was present for the hearing.

Robert Chayer, Code Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Leonard **MOVED to issue an Order of Non-Compliance with a compliance date of December 10, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the December 18, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Article II Sec 118.34.**

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

CEB2019254-ST. PIERRE JEANNE T Served

Complaint No. 20190812008

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 plumbing permit)

Property Location: 4112 Cardinal Blvd, Port Orange 32127

Parcel No. 631202000190 Zoning: R-9(S)

Code Compliance Coordinator - Margaret Godfrey

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

THIS CASE WAS CONTINUED

September 18, 2019

CEB2019256-ST PIERRE JEANNE T

Served

Complaint No. 20181127003

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). (Stairs and deck)

Property Location: 4112 Cardinal Blvd, Port Orange 32127

Parcel No. 631202000190

Zoning: R-9(S)

Code Compliance Coordinator - Margaret Godfrey

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

THIS CASE WAS CONTINUED

CEB2019264-FERRENTINO PETER

Posted

Complaint No. 20190530026

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

Property Location: 918 Louise Ln, Deland 32720

Parcel No. 701911000080

Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on June 4, 2019

THIS CASE WAS CONTINUED

CEB2019265-FERRENTINO PETER

Posted

Complaint No. 20190530029

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: 918 Louise Ln, Deland 32720

Parcel No. 701911000080

Zoning: R-4

Code Compliance Officer - Michael Mazzola

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

THIS CASE WAS CONTINUED

September 18, 2019

CEB2019266-FERRENTINO PETER

Posted

Complaint No. 20190816001

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: 918 Louise Ln, Deland 32720

Parcel No. 701911000080

Zoning: R-4

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on June 4, 2019

THIS CASE WAS CONTINUED

CEB2019270- CASTELLO HOLDINGS LLC

Posted

Compliant No. 20190823022

Violation of ORDINANCE: Code of Ordinance-County Of Volusia Chapter 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly maintained structure (s) and/or system (s).

Property Location: 127 Hibiscus Ln., Deltona 32738

Parcel No. 911001010190

Zoning: R-4EA

Code Compliance Officer - Michael Mazzola

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

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Steven Rose gave his name and address for the record.

The Chairman asked Mr. Rose's connection to Castello Holdings LLC.

Mr. Rose said that he has made the majority of the telephone complaints, about the property.

The Chairman said you're the adjacent property owner.

Mr. Rose said I am right next door.

Michael said the property was posted, with the notice of violation and the notice of hearing on August 23, 2019. On August 27, 2019, Paul Traider, Building Inspector, posted the property with a notice stating that it is unsafe, with referral to the CLCA hearing. Michael explained his pictures to the board. Staff recommends a finding of non-compliance, with a compliance date of November 10, 2019; with a hearing to impose fine scheduled for

September 18, 2019

November 20, 2019.

The Chairman asked if staff wanted them to dismiss the case and refer to CLCA.

Chris Hutchison, Code Compliance Manager, said no.

Mr. Cino asked on the first case, do you want to dismiss and refer to CLCA?

Michael said yes.

Mr. Brown and Mr. Nelson, specified that CEB2019270, needed to be dismissed and referred to CLCA for a condemnation hearing.

The Chairman asked if there had been any response from Castello Holdings.

Michael said no.

The Chairman asked if they are a local LLC. He asked are we dealing with an absentee landowner and a long-gone LLC.

Mr. Nelson said there was a permit that recently expired, he said the work that was outlined on the permit was not adequate, to remedy the situation. He said a recent site visit revealed that water was being held by the foundation.

Michael said they're in Orlando.

The board asked about a 2017 date in Michael's presentation.

Mr. Nelson said it was 2019; Mr. Hutchison and I, myself went to the property and verified the conditions. He said we immediately referred it to the condemnation board.

Mr. Rose presented the board with a petition, signed by the homeowners on the street, which stated that they agreed with the findings of getting rid of the structure. He asked what the CLCA is.

The Chairman said it's a board that deals with the condemnation of unsafe structures, if the budget allows.

Mr. Nelson explained the functions of the CLCA board, to Mr. Rose.

The Chairman explained the fining process to Mr. Rose.

Based on the evidence and testimony provided, Member Wild **MOVED to issue an Order**
September 18, 2019

of Non-Compliance and Order of Dismissal with referral to the CLCA. After Member Zahn SECONDED the motion, it **CARRIED** unanimously by voice vote.

CEB2019271- CASTELLO HOLDINGS LLC **Posted**

Complaint No: 20190823005

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

Property Location: 127 Hibiscus Ln., Deltona 32738

Parcel No. 911001010190 **Zoning: R-4EA**

Code Compliance Officer - Michael Mazzola

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

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. Staff recommends a finding of non-compliance, with a compliance date of November 10, 2019 and a hearing to impose fine scheduled for November 20, 2019.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of November 10, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Sec 58-36 Article II.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019272- CASTELLO HOLDINGS LLC **Posted**

Complaint No: 20190823008

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

Property Location: 127 Hibiscus Ln., Deltona 32738

Parcel No. 911001010190 **Zoning: R-4EA**

Code Compliance Officer - Michael Mazzola

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

The respondent was not present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case. Staff recommends a finding of non-compliance, with a compliance date of November 10, 2019 and a hearing to impose fine scheduled for November 20, 2019.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of November 10, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the November 20, 2019 hearing for**

September 18, 2019

Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241. After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019276-HUFF LAYLA JEAN **Posted**

Complaint No. 20190709011

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

Property Location: 1004 Camphor Ln, Deland 32720

Parcel No. 701702210010 **Zoning: R-3**

Code Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Jul 13, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

Layla Huff gave her name and address for the record. She provided information.

The notice of violation was received and the notice of hearing was posted on the property. The last inspection of the property was on September 6, 2019; there has been no contact with the property owner, until this morning. He said he spoke with her this morning. He showed the board the picture of the high grass, in the front yard. He showed a picture of the side yard. Staff recommends a finding of non-compliance, with a compliance date of October 3, 2019 and a hearing to impose fine on October 16, 2019.

The Chairman asked about the source of the complaint.

Michael said it was anonymous.

Mr. Huff said most of its all been cut down, there's just a section in the back that's a little overgrown. She said at the time of the original certified letter, it was all taken care of, but then it doesn't take long for it to grow back. She said it is mostly natural, native Florida, but there is a lot of grass and overgrowth. She said the last of it is being done this morning.

The Chairman suggested that Ms. Huff, give Michael a call tomorrow, to come look at it.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 12, 2019 and a Hearing to Impose Fine/Lien to be scheduled for the October 16, 2019 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Sec 58-36 Article II.** After Member Wild **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 18, 2019

CEB2019279-WETHERINGTON CARROL

Posted

Complaint No. 20190705013

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: 166 Evergreen Ter, Deland 32724

Parcel No. 603812000800

Zoning: MH-5A

Code Compliance Coordinator - Margaret Godfrey

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

THIS CASE WAS WITHDRAWN

CEB2018268-HABER RICHARD D & CAROLYN W

Posted

Complaint No. 20170125038

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

Property Location: 1 Seaview Dr, Ormond Beach 32176

Parcel No. 323405000610

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. This case began in January of 2017, when Frank Godawa, Building Inspector, witnessed a renovation in progress without evidence of permits and inspection approvals. The property was posted with the notice of violation. On November 2, 2017, staff e-mailed Mr. Haber about an expired electrical permit; a permit was issued to address the violations, but the expired electrical permit has never been addressed past the e-mail from staff. Margaret said all this information is from a previous officer, I've had no communication with the property owners. She said the property is vacant and the permit to address the issues, has expired. The property had to be posted with the notice of hearing.

Margaret said the permit has been re-opened twice. Staff recommends a finding of non-compliance, with a compliance date of October 2, 2019 and a hearing to impose fine scheduled for October 16, 2019.

Mr. Brown asked if they are hearing both of the cases.

Margaret said yes. She said I didn't put it in the PowerPoint, but it is there. She said the permit has been expired since 2016.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an**
September 18, 2019

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

CEB2019027-HABER RICHARD D & CAROLYN W **Served**

Complaint No. 20190128035

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). (Expired electrical permit #20161214065)

Property Location: 1 Seaview Dr, Ormond Beach 32176

Parcel No. 323405000610 **Zoning: R-4**

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Jan 28, 2019

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case.

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

September 18, 2019

CEB2018528-NORONHA LORRAINE

Served

Complaint No. 20180305014

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 windows, roof, door, may not be a complete list)

Property Location: 1440 Primrose Ln, Daytona Beach 32117

Parcel No. 423311000220

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

THIS CASE WAS CONTINUED

CEB2018529-WILMINGTON SAVINGS FUND

Posted

Complaint No. 20181011060

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-277(C) Accessory structure and/or use without a completed principal structure.

Property Location: 1372 Taylor St, Daytona Beach 32117

Parcel No. 423313000040

Zoning: R-4

Code Compliance Coordinator - Margaret Godfrey

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

THIS CASE WAS CONTINUED

Requests for Discussion of Fines

CEB2019165-CARMEN REBOZO FOUNDATION

Served

Complaint No. 20161214053

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). (Beach access stairs)

Property Location: 7107 S Atlantic Ave, New Smyrna Beach 32169

Parcel No. 850501190070

Zoning: R-9W

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on Dec 19, 2016

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

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

Request for Discussion of Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. The fine started running August 22nd. The first complaint was received in 2016. There was a notice of

September 18, 2019

violation that was sent out. In January of 2017, Dale Smith, Former Building Inspector, went out to the property because we received another complaint that they were continuing to build. She said it appears that they did, even after the notice of violation was received. Margaret said as of today, the lien is at \$2,700.00. Staff recommends that the fine keep running, until the property is brought into compliance.

The Chairman asked if the property is in compliance.
Margaret said no.

Mr. Brown said I think what she's asking for today, is a stay of the fine. Is that correct ma'am?

The respondent said yes.

Becky Wood, Realtor Ocean Properties, gave her name and address for the record.

The Chairman asked her connection to the Carmen Rebozo Foundation.

Ms. Wood said she's here on their behalf. She said he's the founder of Carmen Rebozo Foundation and he couldn't be here, as he lives in Miami. Ocean Properties is handling the sale of his property. She said after we secured a qualified buyer, we sent all of the fully executed documents to the attorney, who's going to be closing this transaction. She said they did a title search and that's when they found the lien.

She said my first call was to Mr. Rebozo. She asked him if he knew about this and he said no. She asked if he received the notices for the order imposing fine/lien and the order of non-compliance and he said no. She said she called Meghan Lindsey, Code Enforcement Board Clerk, and she sent me the copies, of this order and I sent them to Mr. Rebozo. She told him that it was sent to his office address. She said Mr. Rebozo said that's the foundation address and he said nobody has been in that office for some time. Ms. Wood advised him to change his notice address.

Margaret said yes, because we sent it to the one that's on SunBiz and the Property Appraiser.

The Chairman said that's where his tax bill goes too.

Margaret said for clarification, I posted the property for all of the above, to be on the safe-side.

Ms. Wood said I immediately secured an engineer, so he could do the drawings. She said they also secured a licensed contractor. She said they were able to help us, in an almost 7 day period. She explained everything that the contractor submitted to the permit
September 18, 2019

department. Ms. Wood said she has been in constant contact with Margaret.

Margaret said this is the first time I've had contact with anybody, because the certified notice of violation was received on December 19, 2016. She said an application for a re-roof permit was submitted. The former officer did a little research and found out the Registered Agent was Olga Huerte and she tried to leave a voicemail. Olga is the one that signed for the violation.

Mr. Cino asked if Ms. Wood was in violation or not; there's a contractor?

Margaret said yes, she's in violation. She said it's after-the fact and that she had, had no contact until.

Mr. Cino asked if there was a permit out there.

Margaret said no.

Ms. Wood said I get confused, because the contractor submitted the permit application, on August 30th. She said that has been almost 3 weeks ago. Ms. Wood shared the permit number that she had with Margaret. Margaret said it's an application number and a permit number.

Margaret said it has to go into permit status.

Mr. Cino said is there a permit issued or not?

Margaret said no.

Ms. Wood said it's in zoning review and it has been for three weeks and I can't get an answer. She said the reason I'm asking for the stay, is that I've already spent \$4,000.00 of Mr. Rebozo's money.

The Chairman said there is probably a permit package pending.

Member Wild said they can't do anything until turtle season is over.

Margaret said the staircase is done.

Ms. Wood said she extended the closing, hoping to get this done.

Member Zahn said it isn't in compliance, until it's been inspected. He said even if you had a permit in your hand today, it still doesn't mean it's in compliance. He said we don't rule on this until it's in compliance.

September 18, 2019

Mr. Cino said we've never given a stay of fine.

Mr. Brown said we have, Charlie. He said the board has issued stays of fines, just so the record is clear. He said we have issued stays, to stop a fine from continuing to accrue depending on different situations. He said I just want the record to be clear. He said I'm not saying that's here that's the board's determination, but for the record we have done it before.

Member Zahn asked about the procedure for a stay of fine. He asked if it is for time certain, to verify that all this stuff is going to come to be.

Mr. Brown said yes, usually we do it for time certain. He said the fine that's accrued to a point if that's the desire of the board, would still be a lien on the property. He said even with the permit process, I believe there has to be permission from DEP, for this onto the beach. He said I don't think the option of closing, with the lien being cleared from title by the 30th of September is realistic. He said the parties can always agree, to put an amount in escrow if they want to make the transaction, if it's a mortgage lien as opposed to a cash buy. He said that's up to the two parties; even if the board were to stay the lien from continuing to accrue, there's still a lien on the property.

Member Wild said at least there would be a definite number.

Mr. Brown said my only concern is there is some continued things that need to be met, outside of the county's purview, with the state for putting things on the beach. He said the board has to come up with a day to stop it.

Member Zahn said I think that we would stay the fine, pending our next meeting. He said at the next meeting we would find out what's going on, as far as DEP goes, if it's within the same footprint they'll be issuing a permit. If you meet the criteria they will issue the permit. He said it shouldn't be an issue, however it's another step.

Mr. Nelson said if we are going to stay it, it should go past November 1st because of turtle season.

Mr. Brown said just so the record is clear, the lien that has accrued up until now, will be whatever has accrued; we'll just stop the lien for today.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Stay until November 20, 2019.** After Member Leonard **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 18, 2019

CEB2019023- ALLEN JOHN L

Served

Complaint No: 20190503022

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

Property Location: 105 Poinciana Ln, Deltona 32738

Parcel No. 911001030230

Zoning: R-4EA

Code Compliance Officer - Michael Mazzola

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

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

*An Order Imposing Fine/Lien was issued at the August 21, 2019 hearing:

Request for Discussion of Fine/Lien That is Due to Start on September 19, 2019

The respondent was present for the hearing.

Chris Hutchison, Code Compliance Manager, presented the case.

John Allen gave his name and address for the record.

Chris said August 21st, is when the \$25.00 per day fine began. The fine caps at \$10,000.00. The last inspection was on September 12th and everything remains the same; it's still not in compliance.

Member Wild asked Mr. Allen, if he was still having a problem with the tenant?

Mr. Allen said the person that I'm feuding with, is leaving for school for 3 years. He said he'll be gone and asked the board for two more months to take care of the violations. He said the RV is for sale, now. He said I've actually been talking to them. He said the Falcon is running and that might be going into storage soon. He said they drag their feet, but when I'm in there I can push; he said I haven't been there. He said if I go there, in two months I can have it clean.

Mr. Brown said they fine doesn't start until tomorrow.

The Chairman asked when this first started.

Chris said we first notified in May.

The Chairman asked if it was anonymous or an adjacent property.

Mr. Allen said I'm on a corner lot, it didn't have to be anonymous, and eventually someone is going to do it.

September 18, 2019

Mr. Allen said if you can give me two months, you'll never see me again.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue a First Amended Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$1,600.00 per case to begin on November 21, 2019.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019151-ALLEN JOHN L **Served**

Complaint No. 20190122040

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

Property Location: 105 Poinciana Ln, Deltona 32738

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

Code Compliance Officer - Michael Mazzola

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

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

*An Order Imposing Fine/Lien was issued at the August 21, 2019 hearing:

Request for Discussion of Fine/Lien That is Due to Start on September 19, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue a First Amended Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$1,600.00 per case to begin on November 21, 2019.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019152-ALLEN JOHN L **Served**

Complaint No. 20180814044

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

Property Location: 105 Poinciana Ln, Deltona 32738

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

Code Compliance Officer - Michael Mazzola

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

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

*An Order Imposing Fine/Lien was issued at the August 21, 2019 hearing:

Request for Discussion of Fine/Lien That is Due to Start on September 19, 2019

September 18, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue a First Amended Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$1,600.00 per case to begin on November 21, 2019.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019153-ALLEN JOHN L **Served**

Complaint No. 20180814042

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

Property Location: 105 Poinciana Ln, Deltona 32738

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

Code Compliance Officer - Michael Mazzola

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

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

*An Order Imposing Fine/Lien was issued at the August 21, 2019 hearing:

Request for Discussion of Fine/Lien That is Due to Start on September 19, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue a First Amended Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$1,600.00 per case to begin on November 21, 2019.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019154-ALLEN JOHN L **Served**

Complaint No. 20180814045

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

Property Location: 105 Poinciana Ln, Deltona 32738

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

Code Compliance Officer - Michael Mazzola

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

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

*An Order Imposing Fine/Lien was issued at the August 21, 2019 hearing:

September 18, 2019

Request for Discussion of Fine/Lien That is Due to Start on September 19, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue a First Amended Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$1,600.00 per case to begin on November 21, 2019.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2019155-ALLEN JOHN L **Served**

Complaint No. 20181102031

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

Property Location: 105 Poinciana Ln, Deltona 32738

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

Code Compliance Officer - Michael Mazzola

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

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

*An Order Imposing Fine/Lien was issued at the August 21, 2019 hearing:

Request for Discussion of Fine/Lien That is Due to Start on September 19, 2019

The respondent was present for the hearing.

Michael Mazzola, Code Compliance Officer, presented the case.

After discussion and based on the testimony and evidence presented, Member Wild **MOVED to issue a First Amended Order Imposing Fine/Lien in the amount of \$25.00 per day, per case, not to exceed \$1,600.00 per case to begin on November 21, 2019.** After Member Nadeau **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 18, 2019

CEB2019180-KLUTTZ AARON W

Served

Complaint No. 20190311017

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

Property Location: 6459 River Rd, New Smyrna Beach 32169

Parcel No. 850501590570

Zoning: R-9W

Code Compliance Officer - Mark Kaufman

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

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

*An Order Imposing Fine/Lien was issued at the August 21, 2019 hearing:

Request for Discussion of Fine/Lien That is Due to Start on September 19, 2019

The respondent was present for the hearing.

Margaret Godfrey, Code Compliance Coordinator, presented the case. She directed the board to the photos in the presentation. She said there was work that was done without permits. Mark has been in contact with a representative from Beachside Realty. The representative, has now been fired.

Mr. Kluttz said yes. He said the day after the last meeting, when I was here.

Margaret said Mr. Kluttz is here requesting that the fine, not start tomorrow. She said the property owner lives in Maryland. She said the electrical affidavit that was issued, was found not to meet Florida code. There have been no permit applications received. She said the roof has been blocked off, because that is part of the railings are not safe. She said that Mr. Kluttz and Mark have been in contact and Mr. Kluttz is in the process of completing the paperwork for the permit.

Member Wild said there was an electrical issue there too, wasn't there?

Mr. Kluttz said yes sir.

Member Wild asked if it was cured.

Aaron Kluttz gave his name and address for the record. He said that he met with Mark Kaufman and Kerry Leuzinger, Chief Building Official, on August 22, 2019. He said they met at the house and went over a lot of the issues; he said there were a lot of things that he didn't know about. He said that staff asked him to install a gate, so that no one can get on the roof. Mr. Kluttz said that he has done that. He said the yard has been cleaned up and the fencing has been taken down. He said that he has pictures of the house, so the board can see the progress.

September 18, 2019

Margaret said she could go out to the property and take a look.

Mr. Kluttz showed Margaret his pictures and she agreed that it looks much better.

The Chairman asked Mr. Kluttz about his plans for the property.

Mr. Kluttz said he just had a roof put on the house, in January of 2019. He said he's been in contact with the roofer, because he has a one year warranty and he should be repairing that under the warranty.

The Chairman asked if the roof was permitted.

Margaret said it was a coating.

Mr. Kluttz said after the meeting with staff, he met with Susan Hounsom, Beachside Realty, and told her that she was going to be no longer handling the property. He said he is handling it himself, at this point. He said he met with the present tenants and the neighbors of the property. He said the tenant is a disabled veteran and he would like to purchase the property. He said financially it would not be possible. He said that the tenants will be moving out. He said there was not supposed to be a tenant moved into the house, in March. Mr. Kluttz said he did not know that. He said Beachside Realty moved them in there. He said as soon as they are able to move, there won't be a tenant living on the property, until everything is corrected.

The Chairman expressed his concern in regard to the electric, to Mr. Kluttz.

Mr. Kluttz said he has contacted some electricians and has secured one. He said the hurricane delayed everything. He is supposed to come repair the electric, on September 27th. He said at the last meeting, the plans were done but they weren't stamped so they weren't complete. He said he's been talking with him on and off and on Friday the 13th, Mr. Kluttz received the plans that are stamped and ready to go.

Mr. Kluttz said he was advised that he would need a concrete specialist. He said there are only three in the area. He said he has been in contact with them and he is being told it will take 60-90 days, before they can even begin the work. He said the other part of the job, can be done by general contractor, but he can't do the work until the concrete slab is removed.

Margaret said in this gentleman's defense, as soon as he was able to do something, he was doing it.

Mr. Kluttz said I would like to ask for a 120 day stay of the fine, if at all possible. He said I know the concrete work is going to be difficult.

September 18, 2019

After discussion and based on the testimony and evidence presented, Member Leonard **MOVED to issue a First Amended Order Imposing Fine/Lien in the amount of \$50.00 per day, not to exceed \$26,000.00 to begin on January 16, 2020.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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

* * * * *

ADJOURNMENT

There being no further business to discuss before the Board, the meeting adjourned at 12:08 p.m.

Respectfully submitted,



Meghan Lindsey
Code Enforcement Board Clerk

September 18, 2019

CERTIFICATE

STATE OF FLORIDA:
COUNTY OF VOLUSIA:

I, Meghan Lindsey, Code Enforcement Board Clerk, do hereby certify that the foregoing pages constitute a true and accurate transcript of the minutes of the Volusia County Code Enforcement Board taken on 9/18/19, at 123 West Indiana Avenue, Deland, Florida.

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



Meghan Lindsey
Code Board Clerk

September 18, 2019