



**VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES**

**September 19, 2018**

**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  
Tom Wright  
Donald Needham  
Charles Cino, Board Attorney  
Pete Zahn  
Gerard Smith**

**MEMBERS ABSENT**

**Harry Wild Jr., Vice-Chair**

**STAFF PRESENT**

**Chris Hutchison, Zoning Compliance Manager  
Margaret Godfrey, Zoning Compliance Officer  
Debbie Zechnowitz, Zoning Compliance Officer  
Russ Brown, Assistant County Attorney  
Meghan Lindsey, Code Enforcement Board Clerk  
Mike Nelson, Building and Zoning Director  
Kerry Leuzinger, Chief Building Official  
Michael Mazzola, Zoning Compliance Officer  
Christopher Hooper, Zoning Compliance Officer**

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**APPROVAL OF MINUTES**

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**Member Needham moved to APPROVE the July 18, 2018 Code Enforcement Board minutes. Member Wright SECONDED the motion that CARRIED unanimously by voice vote.**

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## UNFINISHED BUSINESS

### **CEB2017348-DAVIS KYLE E**

**Served**

Complaint No. 20170418032

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (interior alterations to include electric, plumbing, HVAC and framing)

Property Location: 13 Oak Tree Dr, New Smyrna Beach 32169

**Parcel No. 743503030070**

**Zoning: R-4W**

**Compliance Officer – Margaret Godfrey**

Property owner was first notified of the violation on May 04, 2017

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

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

\*Final Order Imposing Fine Lien issued at the May 16, 2018 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of August 7, 2018:

### **Order of Compliance**

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

### **CEB2018285-POLLOCK STANLEY JACKSON & EDNA ROLLENE GANNETT**

**Served**

Complaint No. 20180510012

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. 8ft fence in the side yard and the existing fencing has never been permitted

Property Location: 49 Brooks Dr, Ormond Beach 32176

**Parcel No. 420310000570**

**Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on May 12, 2018

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

\*A Report and Affidavit of Compliance was submitted with a compliance date of August 29, 2018:

### **Order of Compliance**

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

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**CEB2018286-POLLOCK STANLEY JACKSON & EDNA ROLLENE GANNETT**

**Served**

Complaint No. 20180510017

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. 8 ft. fence type barrier

Property Location: 49 Brooks Dr, Ormond Beach 32176

**Parcel No. 420310000570                      Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

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

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

\*A Report and Affidavit of Compliance was submitted with a compliance date of August 29, 2018:

**Order of Compliance**

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

**CEB2016154-DAVIS TAMBRA N TR**

**Served**

Complaint No. 20150821039

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

Property Location: 4287 S Atlantic Av, Port Orange 32127

**Parcel No. 631201120040                      Zoning: R-9**

**Zoning Compliance Officer – Margaret Godfrey**

Property owner was first notified of the violation on Aug 31, 2015

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

\*1st Amended Order of Non-Compliance issued at the June 21, 2017 hearing:

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

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

\*4th Amended Order of Non-Compliance issued at the November 15, 2017 hearing:

\*5th Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

**Hearing to Impose Fine/Lien**

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. A permit was issued for modifying the existing single-family residence and it expired yesterday. Margaret said that they had a demolition permit, but it was only for the existing decks. She said that they have a meeting next week with the contractor and maybe the homeowner, to find out what plans they have for the remaining shell. Margaret said that the scope of the work goes beyond what the permit was issued for. Staff is recommending a sixth amended order of non-

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compliance, with a hearing to impose fine scheduled for October 17, 2018.

Based on the evidence and testimony provided, Member Smith MOVED **to issue a Sixth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 17, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Wright **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**

**Zoning Compliance Officer - 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:

**Hearing to Impose Fine/Lien**

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. Margaret said that Mr. Taylor did get an inspection done and it passed; he is waiting to get another one. The permit is good until March 5<sup>th</sup>. Staff is recommending a second amended order of non-compliance, with a hearing to impose fine scheduled for March 20, 2018.

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

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**CEB2017239-ANDERSON RUTH S**

**Served**

Complaint No. 20170208035

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

Property Location: 18 Sunny Shore Dr, Ormond Beach 32176

**Parcel No. 420306001250**

**Zoning: R-4**

**Building Compliance Officer – Margaret Godfrey**

Property owner was first notified of the violation on Feb 17, 2017

\*Order of Non-Compliance issued at the October 18, 2017 hearing:

\*1st Amended Order of Non-Compliance issued at the December 20, 2017 hearing:

\*2nd Amended Order of Non-Compliance issued at the January 17, 2018 hearing:

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

**Hearing to Impose Fine/Lien**

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. There was a permit that was issued and it was valid until August 26<sup>th</sup>. All the inspections have been completed but the final inspection. She said that she has spoken with the General Contractor, Mr. Richard Albert, who said that Ms. Anderson is out of money. Margaret said that whoever originally approached Ms. Anderson and said that they could fix the problem, took her money and ran. Margaret said that Ms. Anderson has had financial issues but the roof has passed the final inspection.

Margaret said as far as the rest of it goes, there's a few more things that need to be done but they cannot be finished due to the financial issues. Margaret said that she's reached out to the contractor and that she is trying reach out to Ms. Anderson, to see what else can be done to bring the property into compliance. She just needs a final inspection.

The Chairman said so the contractor is not going to call in the final inspection, until they are paid?

Margaret said yes.

Mr. Nelson explained some of the things that needed to be done, to get a final inspection.

Based on the evidence and testimony provided, Member Smith **MOVED to issue a Fourth Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2017292-MORRIS FRANK JAMES**

**Posted**

Complaint No. 20170818038

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE Improperly Maintained structure(s) and/or system(s). Roof is not being maintained; has remnants of tarps on the roof

Property Location: 135 Scenic Magnolia Dr, Deland 32724

**Parcel No. 603814000070**

**Zoning: R-3A**

**Zoning Compliance Officer - Christopher R. Hooper**

Property owner was first notified of the violation on Sep 22, 2017

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

**Hearing to Impose Fine/Lien**

The respondent was not present for the hearing.

Christopher Hooper, Compliance Officer, presented the case. Christopher said that the conditions on the property are similar to what they were; it has tarps on the roof that are dangling and falling apart. He said someone is mowing the yard, but he's not sure who it is. Christopher said from what he's been told, the property owner is in a nursing home. Staff recommends a fine in the amount of \$50.00 per day, not to exceed \$15,000.00; to commence on October 18, 2018.

After discussion and based on the testimony and evidence presented, Member Wright **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day , not to exceed \$15,000.00 to begin on October 18, 2018.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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

**CEB2018261-LUCKY TWO INC**

**Posted**

Complaint No. 20180508077

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III DIVISION 12 SECTION 72-924 Description:

Property Location: 790 S Atlantic Av, Ormond Beach 32176

**Parcel No. 422401040120**

**Zoning: 999**

**Sea Turtle Lighting Inspector - Christina Phillips**

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

\*The Board continued this case from the July 18, 2018 hearing:

The respondent was present for the hearing. Dimitri gave his name and address for the record. He said that he both wanted to contest and provide information.

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Christina Phillips, Sea Turtle Lighting Inspector, presented the case. Christina explained her pictures to the board. She explained that there is a lot of viewing area from the beach. She said that the first violation is for a new internally-illuminated roadway sign that is visible from the beach. She said that the sign was turned off, after the respondent was notified.

She said that the second violation is for two, stair-mounted lights on the East stairwell that are visible from the beach. She said that these lights have also been shielded. Christina said that the third violation is eight ceiling-mounted canister lights, on the North, South and East sides of the top deck that are visible from the beach.

Member Needham said they remain.

Christina said yes they remain.

Christina said there is also a violation for one traffic light, on the Northeast corner of the top deck. She said that has been repositioned. Christina said only the eight canister lights remain.

Christina said on November 1, 2017, a new pole-mounted, street sign was seen while driving by the property. County staff was not consulted for a review or input for this new internal lighted sign. On January 25, 2018, a closed case letter was sent for the 2017 sea turtle season; this included notice to the owner that the new sign would be in violation, if seen from the beach during the 2018 season.

On May 7, 2018, the first inspection was conducted and violations were present. On May 15<sup>th</sup>, staff called the owner about the inspection results. On May 16<sup>th</sup>, staff spoke with the owner and it was explained that this was a repeat violation case, as it was brought before the board in 2014. On May 23<sup>rd</sup>, the certified notice of repeat violation and notice of repeat violation & request for hearing letters were sent. On June 6<sup>th</sup>, the second inspection was conducted. The sign was off and half of it was weirdly blinking. There were also patio string lights on.

On June 8<sup>th</sup>, the owner called about the case. Staff informed him of the last inspection and he said that he would have the lights turned off and he would look into the sign. On July 2<sup>nd</sup> the sign was off and the other violations were shielded and off. On August 22<sup>nd</sup>, eight new canister lights were visible. There was no coordination with staff, prior to installation. On August 23<sup>rd</sup>, staff observed a multi-colored traffic signal on the Northeast corner of the top deck that was facing the Northeast toward the beach. On August 29<sup>th</sup>, the additional notice of violation were hand-delivered. Staff met with the owner on site, to discuss shields. He said that he would reposition the traffic signal. Violations have been observed at this location in 2011, 2012, 2014, 2015, 2016 and 2017. There was a disorientation in the vicinity in 2012. The case was found in non-compliance in 2014 and a one-time fine of \$500.00 with \$100.00 per day was issued. Staff recommends a finding of non-compliance  
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as a repeat violator, with a one-time fine of \$1,000.00.

Russ Brown, Assistant County Attorney, asked for clarification if the respondent was noticed as a repeat violator because the violation was not marked as a repeat on the agenda.

Christina said yes.

The Chairman asked if the pole sign went up without a permit.

Christina said that she thought it got a permit through the city.

Member Zahn said that Dimitri is responsive, but he gets in trouble when he puts up lights without speaking with the turtle people beforehand. He said that the respondent is warned ahead of time, that certain things will be violations the next season and he is responsive after the fact, instead of before the fact.

Dimitri said that the hurricanes came and took down his sign. He said that he went to the City, to make sure that the sign would be in compliance with everyone.

Member Needham asked when Dimitri had checked with the city.

Dimitri said it was last year.

Member Needham pointed out that the violations go back to 2011.

The Chairman said that they were different types of violations.

Dimitri said that he went through the city to get the permit and they said that everything should be fine. He said that he didn't want to have a turtle problem with the city, so they put special lights in the sign. He said that he figured since they went through the city that everything would be correct and he paid for the sign. He said they put the sign up and that there is a clock in it and that at dusk everything will turn off. He said that he thought everything was fine and that he should never have the problem again.

He said come to find out, the sign stayed on and he got a call from Christina. He said that he called the sign company and explained that he was in violation again. He told them to come fix and they came. Dimitri told the sign company that even if they have to turn the sign off, he doesn't want it to be on during turtle season. He said that they came and disconnected the sign and it started flickering. He said that Christina called him again and told him that the sign was flickering. He explained that he called the sign company again and they said that there was one more wire that they didn't disconnect. They said that's why the sign was flickering. Dimitri said that was taken care of.

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The Chairman asked about some of the new fixtures that had been installed.

Dimitri explained why it was that he believed that the can lights were okay. He said that the light source was up within the can lights and he figured that would be fine. He said that Christina called and said that they were not fine, because you can see the reflection out of it. Dimitri said that Christina explained how he could dim the lights further and make them compliant. He said that he painted them black and got the blue gel but Christina said that they are still not in compliance.

Dimitri directed the board to one of Christina's pictures and explained the vantage point that you would need to approach his sign from to see it. He said that because it's such a narrow vantage point, that he's not sure how the turtles could see his sign from the beach. He said that he's trying to do what he's supposed to do.

Christina said one thing to consider is, back in 2014 his other sign was a violation. We would hope, that once you know your sign is a violation and it's time to replace it that you would replace it with a compliant sign.

The Chairman reminded Christina of Dimitri's previous testimony.

Christina said that no one ever contacted them.

Dimitri explained why he did not call Volusia County before installing the sign.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a one time-fine in the amount of \$250.00.** The motion **DIED for lack of a second.**

The Chairman asked if any other motions.

Dimitri discussed the lack of a traffic light in front of his restaurant and the danger it posed, with the Chairman.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue a one time-fine in the amount of \$750.00.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2018331-BOARDWALK AT DAYTONA**

**Served**

Complaint No. 20170630049

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 50 ARTICLE III DIVISION 6, SECTION 50-253 (1) (a), (b), (c), (d). Description: Lights illuminating and/or visible from the beach and creating beach illumination during sea turtle nesting season from May 1<sup>st</sup> through October 31<sup>st</sup>.

Property Location: 41 Boardwalk, Daytona Beach, 32118

Boardwalk, Daytona Beach, 32118

Boardwalk, Daytona Beach, 32118

Boardwalk, Daytona Beach, 32118

25 Boardwalk, Daytona Beach, 32118

Boardwalk, Daytona Beach, 32118

15 Boardwalk, Daytona Beach, 32118

**Parcel No. 530405010070**

**Zoning: 999**

**Sea Turtle Lighting Inspector - Christina Phillips**

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

The respondent was present for the hearing. The respondents gave their name and address for the record. They provided information.

Christina Phillips, Sea Turtle Lighting Inspector, presented the case. Christina said that this case is different from the others because it is in the redevelopment zone. She explained what color lights could be used and how many nanometers they could have to the board. Christina said that the Ferris wheel was mostly turned to amber lights or yellow and red. She said that there was one setting that was all blue. She said that the Kamikaze ride had multicolored lights that were visible and there were eight white pole lights. There was a Twister blue sign and eight white lights on that ride.

Christina said that the Octopus ride and the Tilt a Whirl were changed to amber lights. She said that there is no documentation that says whether this is long wavelength light or if they just changed the color. The Umbrella ride was changed to yellow and red. She said there was again no documentation that stated whether or not, it was long wavelength light or if the colors were just changed.

Christina said that the green ride was changed to amber and yellow. She showed the board a left hanging light in her pictures and explained that it was removed. She said that the Funhouse in the background, lights were visible from the beach and most of the lights were changed to yellow and red.

Christina explained which lights were multicolored to the board; she also explained that there were flood lights on poles that were moved throughout the season. On May 1<sup>st</sup> the property was inspected and there were violations present. On May 25<sup>th</sup> the violations were sent via certified mail. On May 31<sup>st</sup>, Lori Slaight, the tenant rep, called about the letter. Staff  
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explained the violations and solutions to Ms. Slaight. On June 18<sup>th</sup>, there was another inspection and there were some new rides, some of the lights were off and some floodlights changed positions. She said that some bulbs were changed to yellow and red but there was no information as to whether they were long wavelength or not. She said that the June 25<sup>th</sup> inspection had similar results, as the second inspection. She said that on the fourth inspection that many lights had been changed to yellow and red, but many remained the same as during the previous inspections.

Member Zahn and Mr. Cino discussed the previous violations that the property incurred, years before.

On July 30, 2018, the certified hearing notice was sent. New violations and suggestions for compliance were listed. On August 6<sup>th</sup>, Mark McDonald, the owners' rep, called about the letter. On August 14<sup>th</sup>, Lori Slaight called to set up a meeting to discuss lights and solutions. On August 15<sup>th</sup>, there were small changes, but most of the violations were still present. She said again, there was no documentation to prove whether the red and yellow lights were long wavelength lights.

On August 23, 2018, staff met with Ms. Slaight and Mr. McDonald to discuss rides and changes. The owner rep asked that the tenant be cited in the case. Staff were informed that the rides will be closed after September 4<sup>th</sup>. During the September 4<sup>th</sup> inspection, some of the lights were still on, but they appeared closed; as if they were moving out. On September 6<sup>th</sup> the rides were being packed up. On September 10<sup>th</sup>, the rides were packed up and there were no more lights.

Christina gave case history from previous violations on the property. She said that violations have been on the property all years except 2010. She said that this has been a new tenant since 2017, but it's the same owner. Staff recommends a finding of non-compliance and to dismiss.

Member Zahn said so there have been all kinds of violations and you've worked with the owner on multiple occasions; for various reasons, it's been continued and it's never really come to the board.

Christina agreed and said in the past, they have made various changes to long wavelength red and amber lights. She explained why she was not asking for a fine to Member Needham.

Member Needham said that the blame isn't with the people that are bringing the rides in, it's with the people that own the property. Is it your testimony, that you feel that they are properly apprised and they will make sure that anyone they provide a lease to or rent the property to, will be compliant?

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Christina said that is our hope, yes.

Russ Brown, Assistant County Attorney, said it's a great question Mr. Needham, it's a great question. I would just say that Christina can't give her personal opinion as to what, they intend or will not do in the future. I don't think that should be part of the board's consideration.

Member Needham said I wanted to know if she's discussed this with them.

Christina said yes, when we met with the owner's rep and they seem like they want to comply. She said we're hoping that what they've expressed to us, is what they will truly do.

Don Henderson said that he's not truly involved but Mark McDonald is out of the country right now and he asked me to come. He said I am one of the very small investors in the boardwalk. He explained that the last project that they were involved with was the Ocean Walk Resort and we were very compliant with the turtle issues, as Jennifer knows; as I have dealt with her before. He said that there has been new technology since that time, which I was totally unaware of, until Mark asked me to step in for him. He said based on my assessment if you will, we will comply; whoever is down there will comply.

Ms. Slaight said when they leased the property a little over a year ago, the only thing we were told was, when turtle season starts you're going to need to have red and amber lights. She said that there wasn't any discussion on nanometers, until Christina and I got involved in that. She with that being said, a ball was dropped but before any violations came up, we immediately hired a guy to come in and put in two controllers on the Ferris Wheel; they are wifi and control the West side and the East side. We wanted the West side to have all the lights so people coming over the bridge could see it, but the East side have the red and amber. She explained the early stages of the changes made to the Ferris wheel and the problems that arose. She explained that the man that put the controls into the Ferris wheel had to come out to the property to fix any problems and that at times, he was not able to come out because he was out of the state. She said that they did start to comply and they spent \$60,000.00 on the Ferris wheel, before we were even in violation. Ms. Slaight said they then, worked on all the florescent tube lighting.

Mr. Henderson that Jennifer informed him of the type of bulbs that would be considered compliant and that he has already ordered them. He spoke of the updates in technology since 2001-02.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Order of Non-Compliance and Order of Dismissal.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2018347-FLAGLER AVENUE REALTY LLC**

**Served**

Complaint No. 20180516027

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III  
DIVISION 12 SECTION 72-924 Description:

Property Location: 521 Flagler Av, New Smyrna Beach 32169

**Parcel No. 745501000260                      Zoning: 999**

**Sea Turtle Lighting Inspector - Christina Phillips**

Property owner was first notified of the violation on May 30, 2018

The respondent was not present for the hearing.

Christina Phillips, Sea Turtle Lighting Inspector, presented the case. Christina said that the first violation was for multiple, white-interior, fluorescent tube lights in the first floor windows are visible from the beach. The second violation was for multiple white, string lights on the top deck, the south staircase, the south end under the deck and the north side under the eave; that are visible from the beach. The third violation was for one white fixture on the deck that is visible from the beach.

On April 24, 2018, there was a preseason inspection conducted. There was a new top, tiki bar with non-compliant lighting was observed. This tiki bar was not observed in past years. On April 26, 2018, staff e-mailed the owner about the inspection results and asked if there was an alternate, nesting season lighting plan. The owner was out of town; he directed Christina to the top deck manager, James Mason. Violations were present, during the first inspection on May 15<sup>th</sup>. Staff e-mailed the owner and manager the results of the inspection.

On May 22<sup>nd</sup> there was a second inspection and no change was observed on the first floor, however changes were made to the top deck. On May 30<sup>th</sup>, the first notice of violation was sent. On June 19<sup>th</sup>, the third inspection was conducted; there was no change on the first floor lights. Christina said that on the second floor, the blue and white string lights were back on. She said that they had been off during previous inspections. On June 29<sup>th</sup>, the certified notice of violation was sent. On July 9<sup>th</sup>, Mr. Mason e-mailed to set up a meeting.

On July 23<sup>rd</sup>, staff met with Mr. Mason and reviewed the top deck changes. Staff discussed future long-term changes with Mr. Mason. On August 1<sup>st</sup>, the fourth inspection of the first floor, the string lights, under the stairs and the interior lights were on. She said that the other string lights were off. Christina explained what needed to be done on the second floor, to the board. On August 2<sup>nd</sup>, staff e-mailed Mr. Mason the inspection results. On August 6<sup>th</sup>, the notice of violation and request for hearing was sent. On August 29<sup>th</sup>, the notice of hearing was hand-delivered. On August 29<sup>th</sup> and 30<sup>th</sup>, Mr. Mason e-mailed staff letting them know that the changes were complete. During the August 30<sup>th</sup>, inspection it was noted that the violations were corrected. Staff recommends a finding of non-compliance and to dismiss the case.

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Christina went over the history of the property with the board. She explained that the property owner is one to turn off lights after her first warning call. She said but this year he didn't.

Based on the evidence and testimony provided, Member Zahn MOVED **to issue an Order of Non-Compliance and Order of Dismissal.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2018345- BENTON KEVIN & CHERYL**

**Posted**

Complaint No. 20180305002

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

Property Location: Maytown Rd, Oak Hill 32759

**Parcel No. 844702072350**

**Zoning: A-1,RC**

**Environmental Specialist II - Todd Hannah**

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

The respondent was present for the hearing. The respondents gave their names and address for the record. They gave information and contested the violation.

Todd Hannah, Environmental Specialist II, presented the case. He said that the site is just under two acres. He said that it didn't have an address, so he had to give it one; 1890 Maytown Rd. Todd said we received a complaint about clearing in the wetlands. He used a map to show the board the national wetlands inventory line that's provided by the U.S Fish and Wildlife. He also showed the county's fifty foot buffer to the board.

Todd showed the board pictures of the changes made to the property. He showed a picture of the stop work order and the business card that he left for the property owner. He said that he went back out there and planters had been built in the wetland buffer. He said that another notice was left for the owner. On March 5<sup>th</sup>, the certified notice of violation was sent; the violation was returned-unclaimed. He said every time we've been out there, we've posted signs and more things have been built in the wetlands.

Todd said that on March 2<sup>nd</sup>, they received a call about clearing in the wetlands. He said they went out to the property and saw that everything had been pushed into the grass pond. He said that the only structure on site at the time, was a block fire pit. He said that stop work orders were placed on site. Todd said that they sent a certified notice of violation to the address on the property appraiser's website. On March 27<sup>th</sup>, the notice of violation was returned-unclaimed. On April 9<sup>th</sup>, the certified letter was posted on site, along with another stop work order. Todd said that there had been additional construction in the buffer.

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On May 1<sup>st</sup>, another stop work order and the violations had been removed. Todd said after that, the violations were sheriff served. On July 25<sup>th</sup>, Todd drove by the property and saw that the sheriff served paperwork had been removed. He said that he still hadn't had any contact with the property owner. He said that the case was referred to code board and the notice of hearing was posted on the property. He said that the posting for code board has also been removed.

The Chairman asked if it appeared to be a farming or gardening operation.

Todd said that it looks like a plating operation, on a small scale. He said that he checked with the property appraiser and there's no agricultural classification that has been applied for.

Mr. Benton said that he is starting a farm out there and the classification is Agricultural 1.

The Chairman said that is the zoning.

Mr. Benton said that he's just trying to start a little farm there with his grandson.

Mrs. Benton said that the only letter that they received was from D.E.P and they called them and talk to them.

Mr. Benton said that D.E.P asked him the same thing. He said that they asked him what he was doing and he told them he was starting a little farm there.

The Chairman said okay. He asked Todd if he coordinates with D.E.P.

Todd said that he talked to them 2 or 3 weeks ago, and they said that they hadn't heard from the Benton's yet. He said that he also e-mailed the day before the hearing, but they hadn't gotten back to him yet.

The Chairman asked Todd if what the Benton's were trying to do, is something that can be permitted.

Todd said that it could be, yes.

The Chairman asked Todd if there was anything that was irreparable.

Todd said no. He said they all could either be replanted or pulled back and permitted.

Member Zahn asked if it was in the wetland as well as the buffer.

Todd said that he believed that it was in the wetland a little bit. He said where the brush is  
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piled is probably in the wetlands.

The Chairman explained that a permit was needed to see where the respondent could work.

Member Zahn explained to Mr. Benton that a permit was needed to work within the wetland buffer. He said the buffer and the wetlands themselves, have a lot of requirements that must be met to get a permit.

Mr. Benton asked if you needed to get a permit to farm.

The Chairman said within that buffer, yes.

Todd provided a copy of the permit requirements to the board.

Mr. Benton explained why he thought that he was allowed to farm on his property.

The Chairman explained that Mr. Benton has agricultural zoning, but he needs agricultural classification from the property appraiser.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 18, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article III Division 11 Section 72-884.**

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

**CEB2017323-NEHME SABLE & JAKE**

**Posted**

Complaint No. 20170426075

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

Property Location: 1232 Kilgore St, Daytona Beach 32117

**Parcel No. 520200000100**

**Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on June 7, 2017

**This case was CONTINUED.**

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**CEB2018148- CASTELLO HOLDINGS LLC**

**Posted**

Complaint No: 20180809016

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

Property Location: 127 Hibiscus Ln, Deltona 32738

**Parcel No. 911001010190**

**Zoning: R-4EA**

**Zoning Compliance Officer – Michael Mazzola**

Property owner was first notified of the violation on March 8, 2018

The respondent was not present for the hearing.

Michael Mazzola, Zoning Compliance Officer, presented the case. Michael said that there is construction without permits and lot maintenance. Michael said that the grass is too high. Michael discussed his pictures with the board.

The board commented that the floor choice was not a typical one.

Michael agreed.

On July 26, 2018, Michael did an inspection and there were workers present. They were working on the house and the grass was high. On August 2, 2018, the certified notice of violation was received. On August 28, 2018, the property is in plan review and it expires August 27, 2019.

On September 6, 2018, Michael posted the notice of hearing on the property. Staff recommends a finding of non-compliance with a compliance date of October 10, 2018, with a hearing scheduled for October 17, 2018.

Steven Rose gave his name and address for the record. He provided testimony as a witness. The Chairman asked Mr. Rose's connection to the property.

Mr. Rose said that he is the complainant. He said that he's been dealing with this for two years. He said it took Animal Control coming by the property, for Mr. Mazzola to issue a zoning violation and the improperly maintained, for a hole in the floor. He said that was done July 27, 2017. Mr. Rose said after that, the property was sold to Christina Caruthers. He explained the condition that the house was in, when Ms. Caruthers purchased it. He said that it was collapsing due to a hole in the floor and that there is water in the crawl space.

Mr. Rose provided pictures of the water in the crawlspace to the board. He explained that it has been two years-worth of note taking and it has been a lot to deal with. He explained to the board that the water sits under the house and that it's turbid.

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Member Zahn said that he's curious to know, how this is going to be pertinent to the case. He explained to Mr. Rose what they look at, when making a determination. He said it appears there is a violation, it appears that the violation would be construction without the required permit; if there's a permit, there's no violation. If there's not a permit and there's construction work then there is a violation. He said the grass is something that we will deal with. He said what has to happen is, if there's construction without the required permit, then you have to get drawings, apply to get the permit and that brings you partially into compliance. Member Zahn said then you have to complete your inspection approvals and that brings you into compliance. He said in order to obtain compliance, you need to be on a path to obtain a permit and then continue your work.

Mr. Rose said yes, I'm now dealing with the third owner.

Member Zahn asked Mr. Rose, how he's doing on that.

Mr. Rose said that he has nothing to do with it. He said that Castello Homes LLC is the owner right now.

The Chairman asked when construction began.

Mr. Rose said that the first stop work order was issued, in December of 2017 and it was to Christina Caruthers. He said we are dealing with wetland violations right now as well.

Member Zahn asked that they focus on the alleged violations on the agenda. He said that he missed it and asked Mr. Rose if he was a contractor.

Mr. Rose said that he is a neighbor, that's had to put up with this for 12 years.

Member Zahn said so you really can't do anything, about bringing the property into compliance. He said you can just give us evidence about what a problem it has been.

Mr. Rose said absolutely; this house should have been torn down. He asked the board if he could show pictures of what it looked like before it was allowed to sell.

Member Zahn said here's what's before us; what's before us is to find it in violation, give a compliance date of next month and a meeting day of next month. He said that's about as fast as this case can move through our hands. He said I don't need any more testimony, to tell me that there's construction without a permit; he said it's obvious.

Mr. Rose asked how he gets heard for the wetland violation.

Member Zahn said there has to be a wetland violation.

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Mr. Rose said that he has one right here.

Member Zahn said we don't do it, so this is the wrong place to do that.

Mr. Rose said so this is not where the meeting would happen, for discharge of turbid water?

Member Zahn said no; nothing to do with it, this is code board.

Mr. Nelson explained that the violation would be through the county Environmental Management Department, and that's Keith Abrahamson, and that would come to the board.

Member Zahn said it would come to the board, but we don't make a decision on something that's not before us. He explained to Mr. Rose that coming in here today, doesn't do any good because it's not on the agenda.

Mr. Rose said but there are violations. He said there's a current one.

The Chairman said, he may be researching it and hasn't brought it before us yet. He explained that cases come to the board, when we're getting no compliance. He explained the options that property owners are given by the board, once their property is found in non-compliance. He said a lot of times, these things get worked out unbeknownst to us, because they worked with staff.

Mr. Rose explained that it's been pushed off.

The Chairman said we're not pushing this off, regarding construction without the required permit. He said obviously, they've gotten the message because there's a permit in plans review. He said there will be a compliance date given and if a permit is not issued by that time, then a week later, we'll have a hearing to discuss a fine.

Mr. Rose said his whole question is, why is a permit being allowed to rebuild a roof that has rotting wood under it?

Member Zahn said we're not a source for those kind of answers.

The Chairman explained that it's the Building Department, which determines whether these structures can be saved.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 5, 2018 and a Hearing to**

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**Impose Fine/Lien to be scheduled for the October 17, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2018407-CASTELLO HOLDINGS LLC**

**Posted**

Complaint No: 20180727015

Violation of ORDINANCE: Code OF Ordinance-County Of Volusia Chapter 58, Health & Sanitation SEC. 58-36: Violations And Declaration Of Nuisance. Article II. 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**

**Zoning Compliance Officer – Michael Mazzola**

Property owner was first notified of the violation on September 6, 2018

The respondent was not present for the hearing.

Michael Mazzola, Zoning Compliance Officer, 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 5, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 17, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58, Section 58-36 Article II.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2018212-A2Z RENTALS LLC**

**Posted**

Complaint No. 20161123033

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

Property Location: 1536 Culverhouse Dr, Daytona Beach 32117

**Parcel No. 423310000240                      Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

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

The respondent was present for the hearing.

Margaret Godfrey, Zoning Compliance Officer, presented the case. On November 23, 2016, Building Inspector, Frank Godawa found a renovation/remodel in progress without the required permits or inspection approvals. A stop work order was posted. Frank spoke with someone onsite that said they were hired by the property owner, were from Orange County and didn't know anything about Volusia County permitting. On December 27<sup>th</sup>, the

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notice of violation was posted. On March 17, 2017, an onsite inspection showed that the property still appeared vacant and that there was no more construction activity. There were several attempts to reach out to the previous owners; a registered agent was found. The registered agent never returned the call. On September 6, 2017, a Warranty Deed was filed and the new owners are now A2Z Rentals LLC.

On March 1, 2018, a new certified notice of violation was received by A2Z Rentals LLC. On April 10<sup>th</sup>, staff received a call from Jamie, a manager of A2Z Rentals, who informed staff that she did not receive the notice, but one of the workers had seen it posted on the house. Staff then e-mailed it to her. On April 18<sup>th</sup>, the certified notice of hearing was received and on April 30<sup>th</sup>, it was also posted with the notice of hearing.

On July 24<sup>th</sup>, staff received a call from Rita, a realtor that was trying to sell the property. She stated that she had a buyer that was interested and wanted to know what had to be done, to bring the property into compliance. Margaret explained what needed to be done. Rita said that A2Z Rentals had no idea about these violations. When Margaret tried to explain conversations that staff had with the managers of A2Z, Rita hung up.

On August 21<sup>st</sup>, staff received calls from potential buyers, Troy and Helena Aten. On August 27<sup>th</sup> a roofing permit was issued but that doesn't cover the violation. She said that she has spoken to the Aten's but they still haven't taken ownership of the property, however they are paying for the roof. There is no certificate of deed or title that shows that the property has been sold and they, themselves have said that they haven't bought it yet. Since the property has been sold before, without a notice recorded, staff is recommending a finding of non-compliance with a compliance date of October 3, 2018 and a hearing to impose fine scheduled for October 17, 2018.

The Chairman asked if the work observed has been a complete renovation.

Margaret said it looks like they had started to, but when the stop work order was posted, the work did not continue. She explained that Mrs. Aten said that the realtor showing the property is saying that the work is permitted. She explained that none of the work is permitted.

The Chairman asked Margaret if she had seen the house lately.

She said not the interior because you can't get in it.

The Chairman asked if it looked renovated and sellable.

Margaret directed the board to her pictures. She showed the board where the old garage was, that had been boarded up.

Kevin Cruz gave his name and address for the record. Mr. Cruz said that he was there to September 19, 2018

ask for an extension.

Mr. Cruz said that A2Z Rentals did purchase the property with all the violations. He said currently, the owner of the company does not have the funds to bring the property into compliance. He said that we are in the process of selling the house and that it's already under contract. Mr. Cruz asked for an extension of 4-5 months for the new owners to fix it. He said they've already agreed to fix it because they're going to go in there and flip it. He said they just need a little more time, to not get fined.

The Chairman asked when they would be under contract.

Mr. Cruz said that they already are under contract.

The Chairman asked why we wouldn't just let the ownership change and pursue this property.

Margaret said because it's already been sold once, with all the current violations. She said that she's also made the Aten's aware of all the violations that are on the property. Margaret said that the last time she spoke with Mrs. Aten, she was told that they had not signed on the dotted line yet. Margaret said it was because of the violations that the Aten's were question-marking it.

The Chairman said the only way to cure the violations is to get a permit. The board explained that the violations run with the current owner.

Margaret said that the Aten's haven't signed anything that says, that they are the current owners.

Mr. Cino said treat it like any other case; find them in non-compliance and give them time to comply.

The Chairman explained to Mr. Cruz that he didn't believe there was a way that the property could be purchased without the violations.

Mr. Cruz said that he has no problem with the violations. He said that the buyers don't want a lien on top of the violations.

Margaret said they're not talking about a lien that would be a last resort.

Mr. Cruz asked if they could have 60 days to apply for the permit.

Mr. Nelson said that's fine; he said we just need a recorded non-compliance, in case the sale falls through.

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Margaret ensured that the property is secure and boarded up.

The board asked if there was power.

Margaret said no.

Mr. Cino told Mr. Cruz that as soon as you close, get Margaret a deed, so we know who the new property owners are.

Mr. Brown said that Margaret has been conversing with the new owners too.

Margaret said that Mrs. Aten said that she would let her know immediately, if they purchase the property.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of November 15, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2018269-BYRD JEFFREY A**

**Served**

Complaint No. 20180531034

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (expired mechanical permit #20161230009)

Property Location: 215 Lynnhurst Dr, Ormond Beach 32176

**Parcel No. 420304030060                      Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

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

**THIS CASE WAS WITHDRAWN.**

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**CEB2018274-REDMOND DONALD R**

**Served**

Complaint No. 20180109032

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

Property Location: 28 River Shore Dr, Ormond Beach 32176

**Parcel No. 323404000830**

**Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

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

The respondent was present for the hearing. The respondent gave his name and address for the record.

Margaret Godfrey, Zoning Compliance Officer, presented the case. On January 9, 2018, staff received a notice from Building Inspector, Frank Godawa, that he saw a garage area enclosed, complete or in progress with no evidence of the required permits or inspection approvals. There was a new entry door, window and electric etc. Frank said that the garage maybe conditioned living space.

On February 15<sup>th</sup>, the certified notice of violation was received. On February 20<sup>th</sup>, staff received a call from Mr. Redmond, who wanted to know what needed to be done to bring the property into compliance. He stated that he bought the property about five years ago and that the space was being used as a den or office. He explained to Margaret that since it was his principle residence and he knew Florida Building code, he would be able to apply for an owner/builder permit. Mr. Redmond was then given a number to the permitting center.

On February 21<sup>st</sup>, Mr. Redmond came into the permit center office and staff met with him to go over what he would need to apply for a permit. Margaret listed off the items that he would need. It was also explained that there was an expired mechanical permit and he needed to contact the mechanical contractor of record, to get the permit reinstated. On March 7<sup>th</sup>, staff received a call from Mr. Redmond who explained that the drawings would take a couple weeks. The notice of hearing was received by Mr. Redmond on June 8<sup>th</sup>. The mechanical permit expired November 13, 2017. The roof permit expired June 19, 2018. There are no inspection requests for either permit and the property is now for sale. The online advertisement lists both, as brand-new showing the work that has been done. Margaret listed off the items that had been improved without permits. She said that there was also a shed that was placed there, does not appear to meet setback requirements.

The house has been listed for sale since, August 11<sup>th</sup>. It's a three bedroom, one bath home; it says the den office can be used as a bedroom as well. The property appraiser has it appraised as a two bedroom, one bath home with an unfinished garage. An application for a permit, came into the permit center yesterday. The application is for closing in the September 19, 2018



garage door, adding a window and is in zoning review. Margaret said she received an e-mail from Kerry Leuzinger, Chief Building Official, to place an issue-hold on that permit because the owner of the property has a couple expired permits that have to be resolved, before any new permits can be issued. Staff is recommending a finding of non-compliance, with a compliance date of October 3, 2018 and a hearing to impose fine scheduled for October 17, 2018.

Arthur Huggins the respondent's attorney gave his name and address for the record. He provided information.

Mr. Redmond explained that he got a permit the day before, for enclosing the garage door. He said that the mechanical has been continued. He explained that it all happened yesterday. He said that the roof was cancelled because he never had it done.

Mr. Huggins explained that Mr. Redmond is attempting to get those permits. He said that there was a hiccup trying to get an architect to do the drawings but he is making an effort to come into compliance.

The Chairman asked if Mr. Redmond had been issued a permit to close in the garage.

Mr. Huggins said that Mr. Redmond has applied.

Margaret said that the advertisement does say a new roof and new mini-split system.

The Chairman said that the aerial shows a new roof, you didn't have a roof done?

Mr. Redmond said yes, I had it done and there was a permit. He said there must have been a permit.

Member Zahn said I thought you said it was cancelled because no work was done.

Margaret said it expired because there were no inspections.

Mr. Redmond said the roof that you're talking about is not the pitched roof, which I had done. He said that's already completed and it was done two years ago. Mr. Redmond said the one that you're mentioning is a flat roof that was never done.

The Chairman asked if staff had record of the pitch-roof being permitted.

Margaret said no, it expired without inspection approvals.

Mr. Redmond said that he cancelled the permit for the flat roof, probably a year ago. He said the pitched roof was done a couple years ago. He said as far as he knew, they got a September 19, 2018

permit for it and it was inspected.

The Chairman explained to Mr. Redmond what the board had the ability to do.

Mr. Redmond said that the mini-split system was taken care of. He said they continued the permit until I could get an inspection.

Margaret said it's still expired. She said as of 8 a.m. this morning there is no extension.

The Chairman asked if there were other situations besides the enclosed garage and the mechanical permit that the board should take into consideration.

Margaret said the roofing permit, which expired on June 19<sup>th</sup>, whether Mr. Redmond said he cancelled it or not; it's still showing up as expired, without any inspection approvals, for whatever part of the roof he did. She said there is also a pergola, shed and there's a gas range in there and the property is for sale.

The Chairman asked if any of the permits that are on hold are owner/builder.

Margaret said yes.

The Chairman explained to Mr. Redmond that he can't get an owner/builder permit if he plans on selling the property or leasing it, within 12 months. He explained that it's a Florida Statute. The Chairman said you need contractors to do that work, if you're going to sell it within 12 months or rent it.

Mr. Redmond said that he didn't understand.

The Chairman explained the criteria for obtaining an owner/builder permit.

Margaret explained the construction that went with each violation, to the board.

Member Needham left at 10:41 a.m.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 3, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 17, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2018275-REDMOND DONALD R**

**Served**

Complaint No. 20180215022

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 Construction without the required permit(s) and/or inspection approval(s). (Expired MECH permit #20170511001

Property Location: 28 River Shore Dr, Ormond Beach 32176

**Parcel No. 323404000830**

**Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

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

The respondent was present for the hearing.

Margaret Godfrey, Zoning Compliance Officer, 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 3, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 17, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2018291-US BANK TRUST NA TR**

**Served**

Complaint No. 20180111008

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

Property Location: 1461 Highridge Av, Daytona Beach 32124

**Parcel No. 620602220220**

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

**Zoning Compliance Officer - Margaret Godfrey**

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

The respondent was not present for the hearing.

Margaret Godfrey, Zoning Compliance Officer, presented the case. On January 11, 2018, Building Inspector, Frank Godawa, saw a remodel in progress with no evidence of permits or inspection approvals. His investigation included, but was not limited to: window and door replacement, new outside mechanical equipment, a gutted kitchen and electrical and plumbing work. Margaret said that may not be a complete list. The property was posted with a stop work order on February 26<sup>th</sup>. On March 6<sup>th</sup>, the certified notice of violation was received and signed by the US Bank Trust Na Tr.

On March 14<sup>th</sup>, staff found a notice of commencement, which was recorded on November 28, 2017; listing Ameritrust Residential Services LLC as the contractor. Staff called the September 19, 2018

phone number that was listed and left a voicemail. Carl and Louis with Ameritrust have contacted Margaret; they said they are aware of the violations and that they're trying to get a permit application together. When staff spoke to Carl, he admitted changing out the water heater, electrical fixtures, he installed new windows, doors and he said that Louis is completing the permit application.

On March 9<sup>th</sup> a mechanical permit was issued to correct the mechanical change out violation but it expired September 5, 2018 with no inspection approvals. The other violations have not been addressed. On July 3, 2018, the certified notice of hearing was received. There has been no communication since, no permit applications or extensions requests. Staff recommends a finding of non-compliance, with a compliance date of October 3, 2018 and a hearing scheduled for October 17, 2018.

The Chairman asked when the last time that Margaret saw the house was.

She said she was out there the other day and the condition of the property has not changed. She said no one is living in it.

The Chairman asked if it was for sale.

Margaret said not that she knows of.

Based on the evidence and testimony provided, Member Smith **MOVED to issue an Order of Non-Compliance with a compliance date of October 3, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 17, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2018292-MOORE THOMAS & GAEA**

**Served**

Complaint No. 20170221037

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

Property Location: 6 Waterberry Cir, Ormond Beach 32174

**Parcel No. 412502000510                      Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on Feb 28, 2017

The respondent was present for the hearing. The respondents both provided information and contest the violation.

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Margaret Godfrey, Zoning Compliance Officer, presented the case. On February 3<sup>rd</sup>, staff received a complaint about a shed that was being built or was built without a permit. On February 6, 2018, Building Inspector, Dawn Greene, took pictures of a deck, dock and a carport; research showed that there was no evidence of permits or inspection approvals. A 1998 survey of the property showed that it did not have a shed, docks, decks or a carport; all of which seem to have been built between 2000 and 2003, according to the PA website.

On February 28, 2017, the certified notice of violation was received. On March 3, 2017, staff received a phone call from Mr. Moore asking about how to get the violations into compliance. He was told to keep staff apprised of any and all progress and that he would be given time to achieve compliance. On March 23, 2017, staff received a message from Mr. Moore explaining that he found an engineer to do the drawings. On May 8, 2017, staff left a message for Mr. Moore, requesting an update on the progress. Margaret said that was the last notes she had from when Beverly was here.

On June 30<sup>th</sup>, the notice of hearing was received. There have been no permit applications to date, and the site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of October 3, 2018 and a hearing to impose fine scheduled for October 17, 2018.

Mr. Moore said that they bought the house in 2004 and they haven't built anything on it. He said they had the roof done, but they got a permit for that. He said that he went onto the county website and that there was a permit for everything that Margaret said. Mr. Moore pulled out a print-out of his research.

Margaret looked at the print-out and explained to the Moore's that it's on the property appraiser's website because it's being appraised for that. She said that it doesn't mean that there were permits pulled and there's no evidence of that.

The Chairman explained to the Moore's that they're being taxed for those improvements but it doesn't mean that those things were placed there with a permit.

Mr. Moore read from his research. He said that they didn't build any of it. He said we bought the house that way. He said the survey and a lien search was done and there was nothing against the house.

Mr. Nelson said that the pool wasn't part of the violation. He said the pool was from '73 and we only go back as far as '85 for our records.

The Chairman explained why the property appraiser's office did not know that the improvements were not permitted.

Mrs. Moore asked why they were able to buy the house.

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Margaret said because it was never a violation, until now.

Mr. Cino said unfortunately, when you buy a house you buy everything that goes with it. He said what staff is saying, is that there were no building permits pulled for those particular items. He said what might have happened is that the property appraiser sent someone out there and they saw the deck and they added it to their inventory. He said they wouldn't tell the building department that, because they'd assume you have a permit.

Mrs. Moore said, so the warranty deed doesn't mean anything.

Member Zahn said the warranty deed means you own the property. He explained how you could buy a property without permits, for work done by the previous owner. He said it never would have showed up, if someone hadn't called a complaint in. He explained the process for an after-the fact permits.

Mrs. Moore asked what year do you want this to come to code.

Member Zahn said current code, is the policy.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of December 14, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the December 19, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2018293-PEACOCK THOMAS A TR**

**Served**

Complaint No. 20171025010

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

Property Location: 47 Tropical Dr, Ormond Beach 32176

**Parcel No. 420306000450                      Zoning: R-4**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on Nov 03, 2017

**THIS CASE WAS CONTINUED.**

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**CEB2018315-TRIPP REBECCA ANN**

**Served**

Complaint No. 20180604052

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: 1050 Old Kings Rd, Daytona Beach 32117

**Parcel No. 523703110060**

**Zoning: R-5**

**Zoning Compliance Officer - Margaret Godfrey**

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

The respondent was present for the hearing.

Margaret Godfrey, Zoning Compliance Officer, presented the case. On June 1<sup>st</sup>, staff received a complaint about an overgrown yard. An onsite inspection on that day, confirmed the violation. On June 12<sup>th</sup>, the certified notice of violation was received. On July 26<sup>th</sup>, the certified notice of hearing was received and signed for. There has been no change with the site and conditions and no contact with the property owner, until today. Staff is recommending a finding of non-compliance, with a compliance date of October 3, 2018 and a hearing to impose fine scheduled for October 17, 2018, or whatever the board would wish.

The respondent said that they have updated photos. She showed the board updated photos of their progress. She said that it's not complete yet.

The Chairman asked Margaret, what some of the things were on the property that needed to be cleaned up.

Margaret explained her pictures to the board.

The respondent said that she has pictures from all sides of the property. The board compared the respondent's pictures with Margaret's.

Member Zahn asked how long it would take to get the property cleaned up.

The respondent explained that the progress that had been made took about a month. She showed the board some items that had been taken to the scrap yard.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an Order of Non-Compliance with a compliance date of November 15, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the November 21, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 58 Article I Section 58-3.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2018316-WALDVOGEL BRIAN**

**Posted**

Complaint No. 20180511033

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: 1631 John Anderson Dr, Ormond Beach 32176

**Parcel No. 323404001022**

**Zoning: R-3**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on June 8, 2018

**THIS CASE WAS WITHDRAWN**

**CEB2018322-GRANT ROBERT N JR**

**Served**

Complaint No. 20180515013

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

Property Location: 4648 Nellie St, Edgewater 32141

**Parcel No. 853809003890**

**Zoning: MH-5W**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on May 17, 2018

The respondent was not present for the hearing.

Debbie Zechnowitz, Zoning Compliance Officer, presented the case. Staff has received multiple complaints about the condition of this property; specifically junk and abandoned vehicles, mostly in the backyard. The notice of violation for all cases was received by Mr. Grant on May 17, 2018. Debbie said that she has had no contact with Mr. Grant. She said that the front yard looks the same and that he's been having yard sales. Debbie said that she's been getting complaints about that.

She said the junkyard pretty much stays the same. Debbie showed the board her pictures and said that the vehicle in the back corner has been there for a long time. She said there are tires and junk. Staff recommends a finding of non-compliance, with a compliance date of October 12, 2018 and a hearing to impose fine scheduled for October 17, 2018. On Case CEB2018325 staff recommends an order of non-compliance and an order of dismissal, as the trailer has been removed.

A witness provided testimony. He explained that the property is a moving target. He said there is a garage sale every week, to do that new junk is brought in. Some of the junk is sold, while the rest goes in the backyard. He said there is a trailer parked in the front that's right at the beginning of the subdivision. He said we'd like to see something happen.

Debbie and the board discussed which trailer remained and which one had moved.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of October 12, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 17, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2018323-GRANT ROBERT N JR**

**Served**

Complaint No. 20180515014

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: 4648 Nellie St, Edgewater 32141

**Parcel No. 853809003890                      Zoning: MH-5W**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on May 17, 2018

The respondent was not present for the hearing.

Debbie Zechnowitz, Zoning Compliance Officer, 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 12, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 17, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 118 Section 118.34.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2018325-GRANT ROBERT N JR**

**Served**

Complaint No. 20180515012

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

Property Location: 4648 Nellie St, Edgewater 32141

**Parcel No. 853809003890                      Zoning: MH-5W**

**Zoning Compliance Officer - Debbie Zechnowitz**

Property owner was first notified of the violation on May 17, 2018

The respondent was not present for the hearing.

Debbie Zechnowitz, Zoning Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance and an Order of Dismissal** after Member Wright **SECONDED** the September 19, 2018

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

**CEB2018330-HARR ROBYN**

**Served**

Complaint No. 20160215026

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 All construction requires building permit(s) and inspection approval(s).

Property Location: 1907 Madre St, Suite 0750, New Smyrna Beach 32168

**Parcel No. 734410000750**

**Zoning: MH-5(1),RC**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on Feb 16, 2016

**THIS CASE WAS CONTINUED.**

**CEB2018333-RAULERSON DOUG R**

**Served**

Complaint No. 20170406003

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

Property Location: 1289 James St, New Smyrna Beach 32168

**Parcel No. 743004060060**

**Zoning: R-3**

**Zoning Compliance Officer - Margaret Godfrey**

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

The respondent was present for the hearing. He provided information.

Margaret Godfrey, Zoning Compliance Officer, presented the case. Margaret specified that the violation was not for the aluminum roof but for the detached structures; the shed and the carport. On March 28, 2017, staff received an email from Dale Smith, Building Inspector, he said that he found a worker on site, removing old aluminum roof pans. Dale said that the worker was preparing to install insulated roof panels in their place. The worker claimed to be a relative.

On April 3, 2017, research showed that there were several accessory structures on site with no evidence of permits or inspection approvals. On April 11, 2017, the certified notice of violation was received. On July 27, 2017, the permit was issued for a screen room, removing an existing pan roof and replacing the insulated roof. The permit was finalized but the accessory structures were still there.

The notice of hearing was received on July 25, 2018. On July 26<sup>th</sup>, staff received a call from Mr. Raulerson, who stated that he was working toward getting a newer building and was planning on keeping the structures for storage. He said that he would get the structures permitted, although he was only keeping them on a temporary basis. Staff referred him to the permitting department for a complete list of what he would need. There have been no permit applications to date and the site and conditions remain unchanged.

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Staff is recommending a finding of non-compliance, with a compliance date of October 3, 2018 and a hearing to impose fine scheduled for October 17, 2018.

The respondent gave his name and address for the record. Mr. Raulerson said that he's waiting on his surveyor, who is backed up because of the rain. He said he has a home based business and the only place that he has to store his inventory is the white shed. He said that he's trying to get the shed permitted and that he would like a larger building. Mr. Raulerson explained that if the white shed has to go at that time, then so be it. He said the little pole barn that he has is the only shade that he has to work under. He said everything will go away, once he has a bigger building.

The Chairman was asked if a survey was needed.

Mr. Raulerson said that he was told that he needed one.

Member Zahn explained when a survey is needed.

Mr. Raulerson said he had the house built originally in '85. He said that he's been there ever since.

The Chairman asked Mr. Raulerson if he had information on the structure.

Mr. Raulerson said when he bought the shed, he was told because he lived in the county that he didn't need a permit. He said now I'm finding out that I do.

Margaret said that there were originally five structures but there were only two left.

Mr. Nelson said the shed isn't filled with inventory, it's filled with personal items.

Mr. Raulerson agreed that the shed was filled with personal items.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance with a compliance date of December 10, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the December 19, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2018336-STOR-ALL KING ARTHUR LLC**

**Served**

Complaint No. 20180305001

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

Property Location: 7050 Turtle mound Rd, New Smyrna Beach 32169

**Parcel No. 850501550120**

**Zoning: R-9W**

**Zoning Compliance Officer - Margaret Godfrey**

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

The respondent was not present for the hearing.

Margaret Godfrey, Zoning Compliance Officer, presented the case. On March 5, 2018, staff received a notice from Building Inspector, Frank Godawa, that there was a dock repair or replacement in progress without permits or inspection approvals. Work was being done by Coastal Dock Lift Diving Services, Bobby Shepard, and he was told to stop work. Mr. Shepard said that he was working on the permit requirements, as he was a licensed contractor. It appears that the BTR was turned down a few years ago, by Frank Godawa.

The certified notice of violation was received on March 16<sup>th</sup>. On March 22<sup>nd</sup>, staff received a call from Steve Womack, the property owner of Stor – All King Arthur LLC, who had been out of the country. He said that he had hired someone to complete the drawings and that he would be submitting the permit application when he gets them.

On July 26, 2018, the notice of hearing was received and signed for. On July 30<sup>th</sup>, a permit application was submitted to address the violation; the application was incomplete. Their insurance is not current, so they cannot apply for a permit. There have been no applications to date and the site and conditions remain unchanged. Staff is recommending a finding of non-compliance, with a compliance date of October 3, 2018 and a hearing to impose fine scheduled for October 17, 2018.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an Order of Non-Compliance with a compliance date of October 3, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 17, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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**CEB2018337-STOREY MARY FARR TR**

**Served**

Complaint No. 20170620060

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

Property Location: 4713 Van Kleeck Dr, New Smyrna Beach 32169

**Parcel No. 743504020070**

**Zoning: R-4W**

**Zoning Compliance Officer - Margaret Godfrey**

Property owner was first notified of the violation on Jun 24, 2017

The respondent was not present for the hearing.

Margaret Godfrey, Zoning Compliance Officer, presented the case. On June 12, 2017, staff received a complaint from Building Inspector, Dale Smith that he found ongoing work at the rear of the house; rear porch, new footings, new concrete block stairs, rear wall stucco. At the job was Advanced Grouting, who stated that they were subs of Rick Kovascik, Corinthian Builders, and they stated that Deatrck Engineering was doing the inspections; a private provider. A stop work order was posted.

On June 26, 2017, the notice of violation was received. On August 18<sup>th</sup>, a permit was issued for restoring concrete and replacing/expanding a wood deck. The permit would expire on February 14, 2018. On December 5<sup>th</sup>, a hold was placed on the permit because a D.E.P permit was required. The D.E.P permit was not submitted and the county permit expired. A request for additional information was sent, concerning the D.E.P permit. Margaret read a letter from Rick Kovascik into the record.

On August 27<sup>th</sup>, staff including Kerry Leuzinger, Tom Legler, Randy Roberts and Margaret Godfrey had a meeting with Warren Deatrck, Mike Gravenmeir and Rick Kovascik. Staff explained that even though Mr. Deatrck is a private provider, inspections from the county would also be required. It was also explained that they had to get a D.E.P permit, to reopen the county permit for the required inspection approvals.

Margaret said that she has also spoken with Ms. Storey's daughter, and explained that there would have to be county inspections, even though Mr. Deatrck is a private provider. Mr. Deatrck did submit five affidavits to Mr. Leuzinger, with the inspection histories. There has been no further action and the deck is done. Margaret said there has also been no further contact. Staff is recommending a finding of non-compliance, with a compliance date of October 3, 2018 and a hearing to impose fine scheduled for October 17, 2018.

The Chairman looked at the pictures of the property and said that he saw the difference.

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Based on the evidence and testimony provided, Member Wright **MOVED to issue an Order of Non-Compliance with a compliance date of October 3, 2018 and a Hearing to Impose Fine/Lien to be scheduled for the October 17, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2018340-ABAYASEKERA KUSHAN & SHANNON**

**Posted**

Complaint No. 20180706022

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: 6455 Engram Rd, New Smyrna Beach 32169

**Parcel No. 850501460600**

**Zoning: R-9W**

**Zoning Compliance Officer - Debbie Zechnowitz**

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

The respondent was present for the hearing. Mr. Abayasekera explained that they felt they were in compliance from the moment that they received the violation letter.

Debbie Zechnowitz, Zoning Compliance Officer, presented the case. This case involves a single-family dwelling being used as a hotel/motel and being rented for less than 30 days. Staff received a letter dated June 20<sup>th</sup>, From Phyllis and Adam Winnicky, they live at 6453 Engram Rd., and they documented their observations beginning June 1, 2018. She said some of their observations include: multiple vehicles parked along the street, 28 people using the pool and the deck and excessive noise. The renters were observed June 1<sup>st</sup>-4<sup>th</sup>, June 7<sup>th</sup>-10<sup>th</sup>, June 13<sup>th</sup>-16<sup>th</sup> and June 17<sup>th</sup>-27<sup>th</sup>. Debbie showed the board the letter that she received from Phyllis and Adam Winnicky. She explained that they were present to give testimony.

Debbie noted that the Winnicky's made contact with Shannon & Kushan Abayasekera before they made complaints to the county. She listed additional neighbors that had written her a letter, she told the board that the other letter was also included in her presentation if they wanted to read it. She listed the neighbors that were present, in addition to the Winnicky's. She said that they would testify if needed. Debbie reiterated that the Winnicky's and their neighbors did reach out to the respondents, to resolve the issue before they made a complaint to the county.

The notice of violation was received on July 10<sup>th</sup>. On July 12<sup>th</sup>, Debbie spoke with Shannon and the violation was discussed. She said that the website has been corrected to date. Debbie said that she did confirm that. She showed the original advertisements and explained that they had been corrected. She said that they were from July. Staff is recommending a finding of non-compliance and to dismiss the case because to Debbie's September 19, 2018

knowledge, the rentals have stopped as of the beginning of September.

Mr. Abayasekera explained that what we have here, is everything Debbie mentioned earlier. He said that they did change the website to thirty days minimum rental. He said that they have had numerous turn downs, for renters who have wanted to rent for less than 30 days. He said that he's not sure if anything else is needed at this time, to prove compliance.

The Chairman asked if Debbie had shared the ordinance with the property owners.

Debbie said yes.

Phyllis Winnicky gave her name and address for the record. She said that the first rental that they had was a huge party. She said that she sent several texts because the neighbors were getting upset about it. She said it was June 1<sup>st</sup> and she mentioned in her text that the realtor was also complaining, had noticed that it was just a residential neighborhood. Mrs. Winnicky said so as of June 1<sup>st</sup>, they could have looked into it. She said that they got the notice on July 10<sup>th</sup>, which meant the 20<sup>th</sup> would have been when they were to shut down all the other rentals. She said they saw four other rentals from July 10<sup>th</sup> through September.

The Chairman asked if they were four different groups of people.

Mrs. Winnicky said yes.

Member Zahn asked Mrs. Winnicky if it ceased.

She said as of the last calendar entry, it has ceased.

Member Zahn explained the typical process that the board uses with short-term rental violations. He explained what could happen if the respondents were found in repeat violation. He said if the Winnicky's see anything, to document it.

Mr. Abayasekera explained that he could prove that the property was not rented as a short-term rental, on any of the dates after the notice was received.

Member Zahn said no contesting before that timeframe, it's just now you're in compliance and going forward.

Mrs. Abayasekera said yes.

Mr. Winnicky said that he's not looking for anyone to be fined. He said that we're just coming into the season where longer-term rentals might take place from snowbirds and  
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such. He said it will be easier for them to rent the property for long term. He said my concern is, that next summer this doesn't repeat itself. He said that he works out of his house and there is a lot of noise, while he's trying to conduct business. He said that trash is also left out and he has to clean it up.

Mr. Abayasekera said that when they bought the house, they asked if there were any restrictions on rentals and they were told no. He explained the research that he conducted before the house was purchased. He explained that they felt they were in compliance from the start.

Mr. Brown gave Mr. Abayasekera the court case number, the shows how the county regulate short-term rentals. He said relying on a realtor, he said that's a civil matter if there was fraud committed in the inducement of the sale that would be something you would pursue in that avenue but for the county it's the use of the hotel/motel definition.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance and Order of Dismissal.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2018342-ROSE WILLIAM T & MARILYN V**

**Served**

Complaint No. 20151103036

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 109.3 All construction requires building permit(s) and inspection approval(s).

Property Location: 150 Shady Branch Tr, Deland 32724

**Parcel No. 603818020050**

**Zoning: PUD**

**Zoning Compliance Officer - Christopher R. Hooper**

Property owner was first notified of the violation on Nov 05, 2015

**THIS CASE WAS WITHDRAWN**

**CEB2018343-LORD & COLLETT INC**

**Served**

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

Complaint No. 20180731012

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

Property Location: 6318 Turtle mound Rd, New Smyrna Beach 32169

**Parcel No. 850501450070**

**Zoning: R-9W**

**Zoning Compliance Officer - Debbie Zechnowitz**

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

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The respondent was present for the hearing. The respondent gave her name and address for the record. She both provided information and contested the violation.

Debbie Zecknowitz, Compliance Officer, presented the case. Debbie explained the picture in her presentation to the board. On July 18<sup>th</sup>, staff received a complaint from a tenant, who occupied the downstairs unit. The complainant claimed to be renting the illegal apartment; she said there were code issues with the unit. Debbie and Frank Godawa, Building Inspector, went out to the property and did an inspection the following day. The tenant gave staff access to the unit; she was upset that there were issues with the electric in the dwelling.

Debbie said there was a door that separates the upstairs unit from the downstairs unit. She showed the board a picture of the door. Debbie said that this case had come before the board on September 20, 2017, for an illegal duplex and it was found in violation. She said that Ms. Hounsom, the respondent, was present and the issue of the kitchens came up. Debbie said that Ms. Hounsom was told that the dwelling could not be rented as a duplex. Debbie showed the board the minutes from the September 20, 2017, Code Enforcement Board hearing. She said that the door is the only access to the downstairs unit. She said that the next slide shows the upstairs unit that the two girls rent the apartment. Staff is recommending an Order of Non-Compliance with a fine and an Order of Dismissal. Debbie explained that the tenant did move out from the downstairs unit, about a week after. She said that she believes that it is not be rented at this time. Debbie said that the second case will explain more.

The Chairman asked for clarification on whether the door was the only access in the lower unit. He said that Debbie said that it was the only access in the lower unit but then, she said there was a door that connects the units.

Debbie said yes and referred the board to one of the pictures in her presentation. She said that there is a door that if you go into the house, from the main door, you'll see the door but you can't access the downstairs unit.

The Chairman asked if the door was fire rated.

Debbie said that Frank did not mention it and she was unsure.

Member Zahn said when you say main entrance, is that on the first or the second floor?

Debbie said that there are two doors. She said on the right side of the house, is where she accessed the downstairs unit she said if you go in the left door, you access the upstairs unit. She said if you go in, you can access the upstairs.

Member Zahn said so the primary entrance is on the right, the French doors, which goes  
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downstairs. He said to access the upstairs unit, how to you get to those French doors; you have to go to that single door?

Debbie said when you go into the single door, there's a staircase to the right, which takes you upstairs.

Member Zahn said so the French doors are access to the upstairs deck.

Debbie explained to the board how she accessed the upstairs unit, when she inspected. She said that when the downstairs tenant let them in, the tenant was hysterical because when Frank checked the electrical outlets he blew fuses. Debbie said that Frank left her because he couldn't access the panels in the garage to put her electric back on; he had to leave her, because he couldn't fix the electrical that day. She said that the upstairs tenants were not home that day and they left.

Dennis Ballard, Ms. Hounsom's attorney, gave his name and address for the record.

Ms. Hounsom gave the history of when she was last present at the Code Enforcement Board. She said that she told the board then, that she hadn't done anything to change the house. She said that the thing that we're talking about now is, the door that goes between the two units interior-wise was locked; she said that it has since, not been locked. She said that the lock should never have been there and she did not authorize it to be there. She said it was never locked. She said that she mentioned that, the last time that she was here. She said that she has since had the bolt taken away for that lock.

Mrs. Hounsom said that the other thing was, she had three people on one lease, for a year. She said that she was told at the last hearing, that she had a multi-family in a single family. Mrs. Hounsom said that she put them all on one lease and that they were happy to be on one lease; they were roommates. She said they were friends and happy to be roommates. She said when the downstairs friends left, she attempted to rent it again. Ms. Hounsom said that she asked the girl who lived upstairs if she wanted to get roommates or do you want me to get roommates for you? She said that the tenant said she would look for roommates and Ms. Hounsom could also look too. Ms. Hounsom said that she found someone and she told them that they'd have to be on the same lease. Ms. Hounsom explained to the tenants that the dwelling was single-family and she said that they knew it. Ms. Hounsom said that she was on vacation at the time and when the lease was presented to her that way that all tenants were on one lease and she refused to sign it. She then explained that the girl upstairs refused to sign it as well. She said at the time that they refused to sign it, Ms. Hounsom told the girl downstairs that she had to go.

Ms. Hounsom said that when the downstairs tenant was asked to leave, she found things to complain about. Since the things that the tenant complained about, were electrical, Ms. Hounsom had an electrical inspection. She explained why the electrical hadn't been  
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working correctly. She said that as soon as the tenants came back, they turned it back on. She said that she had a bill from Harrison Electric, saying that several of the GFI items have been repaired, in order to deem the address up to code. She also produced the bill for the board.

Member Zahn said that we're getting off track here; this case is for maintaining a duplex. He said that the duplex would relate to the two people upstairs, the two people downstairs, the single lease, the roommates etc. etc. He said let's stay focused on that, when we get to the next one that's when the construction might come into it. He said as far as the electrical is concerned, I'm going to defer to the Building Department but I'm pretty sure you should be able to access the electrical box from anywhere in the house. He said that, I'm pretty sure is a violation.

Ms. Hounsom said you can.

Member Zahn said Frank Godawa, couldn't when he was there. He said maybe you can now, but you couldn't then. We have differing testimony on that.

The Chairman asked Debbie, what she had in regard to renting the duplex. He said because a single lease with non-related, family members; I'm not sure if that trips some type of family definition. He asked if she had testimony from the former tenant.

Debbie said that Lisa, the downstairs tenant, said that she would be here but she disappeared. She said that the upstairs tenants want to stay in the house, so they don't want to testify. I can tell you that Lisa the downstairs tenant, did not know the upstairs tenants; they were separately renting this house.

Ms. Hounsom said upon the request of the upstairs tenant; she was going to supply tenants or I was going to supply tenants, as long as they went on one lease. Ms. Hounsom said that she had the lease that she provided for Lisa. Ms. Hounsom reiterated that Lisa refused to sign. She said unbeknownst to me, I was out of town, she moved in. Ms. Hounsom said she was out a week later.

Member Zahn said I thought you said that the upstairs tenants didn't sign the lease either.

Ms. Hounsom said correct; both of them didn't want to.

Member Zahn said so once one decided not to sign, the other didn't want to either. They didn't want to be responsible for the total rent, when they thought that they had a roommate splitting it.

Ms. Hounsom said correct, they didn't want to sign.

Member Smith said that he'd like to go back to the beginning of your presentation Debbie, September 19, 2018

you said there were two females renting the upstairs and there were people renting the downstairs. You said these four people signed a lease together?

Ms. Hounsom said that they were presented a lease to sign together and they were told, the downstairs people, the only way that they could go in, was to sign the lease. She explained that she had a lease the previous year, with four people that had signed together.

Member Zahn reiterated the history of the tenants. He explained when the two downstairs tenants left that, Ms. Hounsom wanted to fill the income. He explained why the most recent sets of tenants decided not to sign the lease. He explained that if you have one lease with 4 roommates, you're okay.

Member Needham asked the Board and County Attorney about the definition of family.

Russ Brown, Assistant County Attorney, explained that the board did not have to get into the definition of family. He explained that it's whether you think there is substantial complete evidence to believe that there was a roommate situation, or separate leases, with the door and the deadbolt issue; I don't think you have to get to, whether there is a familial relationship. He said that it should not be relevant to this. It's whether you believe that the evidence presented, is substantive complete evidence that there is a violation of the duplex.

Charles Cino, Board Attorney, said she used the roommate excuse to get around the law. He said you can have unrelated people living there.

Mr. Brown said that's why we shouldn't get into the familial issue.

Member Zahn said do I recall that there are two kitchens?

Debbie said there are two kitchens.

Member Zahn said so there's a kitchen upstairs and a kitchen downstairs. He said and when you were there for inspections, the door was bolted; locked separating the two units.

Debbie said yes.

Member Zahn said under those circumstances, typically we're looking at a duplex situation.

Ms. Hounsom said the door was bolted, but could be unbolted at any time. She said that people can lock their own bedroom if they want to. She said if you wanted to break into it you could have. She said I took the locks out of the door. She said if people want to have their section of the house; I don't have to have a bedroom that is unlocked, just because I  
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want to comply with the law. She said I should be able to lock my own bedroom. Ms. Hounsom said that it shouldn't have been locked all the time.

Member Zahn said in the bedroom situation you've got one kitchen; here you've got two separate floors that are completely independent of each other, with independent kitchens and a door between them. So, the circumstances are different.

Ms. Hounsom said that it was built that way. She said that there was a building permit to allow that; it's never been changed.

Debbie said that the tenant didn't have a key.

Member Needham said if it's a deadbolt it's operable on one side right?

Ms. Hounsom said yes.

Member Needham said so the people on the other side of that door, have no ability to unlock that door and it's a safety issue. He said you can't get to the electrical panel.

Ms. Hounsom said that the downstairs tenant was only there for a week. She said in this situation, I told her that she couldn't stay; she didn't want to sign a lease with someone she didn't like.

Member Needham asked if the property was originally built for one family.

Ms. Hounsom said that it's in single-family zoning but she's rented it separately in the past. She said until she got the notice that it had to be one group and ever since then, I put them on one lease.

Under discussion, Mr. Ballard asked for clarification, as to why the violation was a repeat violation.

Member Zahn said that the case was before us, on September 20, 2017 and the case was found in violation, at that time. He said it was in violation before, this is a repeat violation.

Mr. Ballard said when the lease was terminated, as far as the two separate people that was prior to the second violation correct?

Member Zahn said no, the second violation occurred when the inspection was made; the tenant was still there, because she invited them into the unit. He said that was the time of the violation.

Mr. Ballard said that the deadbolt was still on, at that time.  
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Debbie said yes, the deadbolt was on when I was at the house.

Mr. Ballard said that's the second inspection then.

Debbie said right.

Ms. Hounsom said at the time that you said that you found me in violation, when I was here the last time, I know you called it a violation but I wasn't sure what I was in violation about. She said that she wasn't told to do anything and I wasn't fined; everybody had been on one lease and the house was built as it was designed to be built.

Mr. Cino said the decision has been made, this case is past. He said they're dismissing the case and not even putting a fine on you. He said I think that's very favorable.

Member Needham said and suggesting that you don't do this anymore, or it's a repeat violation.

Debbie said just for the record, I didn't verify that the door had been unlocked.

Ms. Hounsom said that the deadbolt had been removed.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance and Order of Dismissal for the repeat violation.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

**CEB2018344-LORD & COLLETT INC**

**Served**

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

Complaint No. 20180731033

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

Property Location: 6318 Turtlemound Rd, New Smyrna Beach 32169

**Parcel No. 850501450070**

**Zoning: R-9W**

**Zoning Compliance Officer - Debbie Zechnowitz**

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

The respondent was present for the hearing.

Debbie Zechnowitz, Compliance Officer, presented the case. On July 18, 2018, staff received a complaint from the tenant Lisa, regarding some possible electrical issues. A site inspection was scheduled. On July 19<sup>th</sup>, Frank Godawa, Electrical Inspector, said that the September 19, 2018

electrical had been modified, receptacle behind refrigerator appears to have been added, added cut-in box, not secure in wall when checking kitchen counter top receptacle that are required to be GFCI protected. One right stove went off; Debbie explained to the board that this is what she had been talking about, when she said that he plugged his tool into the wall and it sparked. She said that the receptacles were not secured properly.

She said that after the electrical popped, they did return on July 24<sup>th</sup>. She said that they had access to the other unit at the time. She said that Frank found the following: the garage electrical service panel indicated, work had not been done to code, the main breaker etc. Debbie showed the board her pictures. She showed the downstairs kitchen and the wiring. She showed the door that separated the units. She said that the outside AC did not have permits. She said that there was no permit for the right door.

The Chairman asked if the French doors had been replaced.

Debbie said yes. She pointed to a door in the picture and asked Ms. Hounsom if the door had ever been replaced?

Ms. Hounsom said not to her knowledge.

The Chairman observed the pictures and said that the garage had been replaced. He said that structural doors had been replaced.

Debbie said we need permits on those. She directed the board to slide 11, which illustrated the history of the property. She said that she didn't want anyone to get confused about the history on the repeats. She said that the repeats are on a different address. She said same person, same violation; twice. Staff is recommending an Order of Non-Compliance and Order Imposing Fine/Lien as a repeat violator; \$250.00 per day, to commence July 19, 2018, when the violation was first observed to accrue until compliance is achieved.

The Chairman asked if it was one violation for all the work.

Debbie said yes.

Ms. Hounsom said that Debbie recommend that she get an electrical inspector, to come in and see if there was anything to be fixed. She said that the GFI's both needed to be replaced. She said that three GFI's were replaced. She said that he repaired the double topped breaker panel. She had a letter from Harrison Electric.

Member Needham asked the date on the letter.

Ms. Hounsom said September 4, 2018. She read the contents of the letter to the board.

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Member Zahn asked if he got a permit to do the work.

Debbie said no.

Ms. Hounsom said that he's an electrician.

Member Zahn said that it still requires a permit.

The Chairman asked if the electrical panels, currently had covers, as the pictures showed the panels without covers. He asked if this is what Frank observed.

Debbie said yes.

Ms. Hounsom said that she didn't know if they have covers or not.

The Chairman asked if the electrician replaced the covers.

Mr. Ballard said that they did and that it was in the invoice.

The Chairman said that the invoice said GFI outside outlet. He said replaced with water-proof cover.

Member Needham said so that's the outside, what about the inside?

Ms. Hounsom said that she was told that there was never a permit pulled for an air-conditioning unit that had been replaced 11 years ago. She said that she called up the company that replaced it. She showed the board the permit number and said it was closed out, 11 years ago.

The Chairman said that the AC units, have dates of 2011 and 2016. He said those are the units that we're curious about; not the one from 2007.

Member Zahn discussed all the construction that the board saw within the pictures that had been done without permits. He said that he wasn't sure if an electrician can go in and bring an electric panel to code without a permit.

Mr. Nelson explained under what conditions a permit would be needed. He said that if there was circuitry cut into the wall, which would have required a permit. Member Zahn and Mr. Nelson discussed the testimony further and talked about which items needed to be permitted.

Member Needham and Ms. Hounsom discussed the progress that had occurred since she was notified of the violation. She explained that she was not as on top of it, as she should have been.

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Mr. Nelson explained to the board, that an affidavit stating that the structure is safe to occupy is needed. He said that he would suggest an affidavit within 10 days.

Under discussion, the board explained what Ms. Hounsom needed to do, to bring the property into compliance.

Mr. Nelson explained that there was a life/safety issue with the electric and that's why staff asked for an affidavit within 10 days of the hearing.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Order of Non-Compliance and an Order Imposing Fine/Lien in the amount of \$250.00 per day, until compliance achieved; to commence July 19, 2018 for Violating Volusia County Code of Ordinances, Chapter 22-2 Sections 105.1 and 109.3. The board further ordered, that an affidavit certifying that the electrical work is safe, is to be submitted within 10 days of this hearing.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

## **IX. Requests for Discussion of Fines**

### **CEB2016125-LORD & COLLETT INC**

**Served**

Complaint No. 20141120016

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

Property Location: 6458 Engram Rd, New Smyrna Beach 32169

**Parcel No. 850501590250**

**Zoning: R-9W**

**Building Compliance Officer - Beverly J Abrahamson**

Property owner was first notified of the violation on Nov 22, 2014

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

\*Final Order Imposing Fine Lien issued at the October 19, 2016 hearing:

\*1st Amended Order Imposing Fine Lien issued at the October 19, 2016 hearing:

\*A Report and Affidavit of Compliance was submitted with a compliance date of April 25, 2017

\*An Order of Compliance was issued at the May 17, 2017 hearing:

\* The Fine/Lien was reduced to \$5,000.00 from \$6,200.00, at the Sep 20, 2017 hearing; payable within 30 days.

\* A payment of \$5,000.00 was made on July 9, 2018.

**Request for Discussion of Fine/Lien \$1,200.00**

The respondent was present for the hearing.

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Chris Hutchison, Code Administration Manager, presented the case. Chris said we heard the case in September of 2017. The board reduced the fine to \$5,000.00, payable in 30 days. It wasn't paid at that time. On June 18, 2018 the County Attorney sent a letter to Lord & Collett advising them that we were going to start the foreclosure process because there was a lien outstanding.

On July 9<sup>th</sup>, we received a check for \$5,000.00, for what they felt was owed. Unfortunately, \$1,200.00 was still owed on the fine because it reverted back to the original amount. They're here today, to request that the \$1,200.00 remaining be reduced to zero and the \$5,000.00 that was already paid, settle the lien.

Mr. Ballard said that the facts are correct; the reduction was granted. It was paid late. We were just asking at this time, if we could go back to that original reduction, with the understanding that there is another \$100.00.

Chris said that the \$100.00 is out there on another violation. He said the \$100.00 is not included in the reduction request.

Based on the evidence and testimony provided, Member Zahn MOVED **to deny the request for a reduction and that the \$1,200.00 be paid.** After Member Wright **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**

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### **ADJOURNMENT**

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

**Respectfully submitted,**

September 19, 2018

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**Meghan Lindsey**  
**Code Enforcement Board Clerk**

September 19, 2018

**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 \_\_\_\_\_, at 123 West Indiana Avenue, Deland, Florida.

WITNESS MY HAND this \_\_\_\_\_ day of \_\_\_\_\_, 2017, in the City of DeLand, County of Volusia, State of Florida.

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**Meghan Lindsey  
Code Board Clerk**

September 19, 2018