



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

September 21, 2022

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

MEMBERS PRESENT

**Chad Lingenfelter, Chair
Andrew Hall, Vice-Chair
Donald Needham
Pete Zahn
Clement Nadeau
Clay Meek, Board Attorney**

MEMBERS ABSENT

STAFF PRESENT

**Kerry Leuzinger, Chief Building Official
Chris Hutchison, Code Compliance Manager
Isiah Pitts, Code Compliance Officer
Robert Chayer, Code Compliance Officer
Margaret Godfrey, Code Compliance Officer
Peter Hinson, Code Compliance Officer
Fred Eastwood, Code Compliance Officer
Debbie Zechnowitz, Code Compliance Officer
Sebrina Slack, Assistant County Attorney
Julie McCrystal, Environmental Specialist II
Todd Hannah, Environmental Specialist II
Danielle Gadzala, Environmental Specialist II
Tom Legler, Deputy Building Official
Paul Traider, Contractor Licensing Investigator
Nicole Weiss, Sea Turtle Lighting Specialist
Ryan Chabot, Sea Turtle Lighting**

* * * * *

APPROVAL OF MINUTES

August and September minutes will be available at the next meeting on October 19, 2022.

* * * * *

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

Audio from this meeting can be found at <https://www.volusia.org/services/growth-and-resource-management/code-enforcement/code-enforcement-board.stml>

September 21, 2022

Unfinished Business

CEB2006569 - TARPON IV LLC

Sheriff Served

Complaint No. 20060717094

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CH 72 ART II DIV 8 SEC 72-287 (b) Maintaining a r/v, boat and/or trailer without current tags/validation sticker

Property Location: Garden St, Deland 32720

Parcel No. 603910220160

Zoning:

Building & Zoning Compliance Officer - Barbara Baldwin

Property owner was first notified of the violation on SEP 01, 2006

*Order of Non-Compliance on May 3, 2007

*1st Amended Order on May 3, 2007

*Final Order Imposing Fine Lien issued at the November 15, 2006 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 1, 2022:

Order of Compliance

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

CEB2020028 - VANESSA BURKE

Posted

Complaint No. 20191212001

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

Property Location: 1330 Niatross St, Astor 32102

Parcel No. 582802000100

Zoning: PUD

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on

*Order of Non-Compliance issued at the July 15, 2020 hearing:

*Final Order Imposing Fine Lien issued at the August 19, 2020 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 24, 2022:

Order of Compliance

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

September 21, 2022

CEB2020188 – VANESSA BURKE

Posted

*****REPEAT VIOLATION*****

Complaint No. 20200903062

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

Property Location: 1330 Niatross St, Astor 32102

Parcel No. 582802000100

Zoning: PUD

Code Compliance Officer - Isiah Pitts

Property owner was first notified of the violation on

*Final Order Imposing Fine Lien issued at the December 16, 2020 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 24, 2022:

Order of Compliance

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

CEB2021383 – VIJAY LUTHRA

Served

Complaint No. 20210824057

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

Property Location: 4709 Van Kleeck Dr, New Smyrna Beach 32169

Parcel No. 743504020050

Zoning: R-4W

Code Compliance Manager - Chris Hutchison

Property owner was first notified of the violation on Oct 22, 2021

*Order of Non-Compliance issued at the February 16, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the March 16, 2022 hearing:

*Final Order Imposing Fine Lien issued at the April 20, 2022 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 16, 2022:

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

September 21, 2022

CEB2022141 - BROWNLEE SYDNEY B LAND TRUST 01-01-2021 Served

Complaint No. 20220316005

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72, ARTICLE III, DIVISION 16 SECTION 72-1103 Description: Removal or stripping of native vegetation from a vacant lot without an approved development order or building permit.

Property Location: River Rd, New Smyrna Beach 32169

Parcel No. 850501720010 Zoning: R-9W

Environmental Specialist II - Danielle Gadzala

Property owner was first notified of the violation on Apr 04, 2022

*Order of Non-Compliance issued at the July 20, 2022 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 22, 2022:

Order of Compliance

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

CEB2022142 - BROWNLEE SYDNEY B LAND TRUST 01-01-2021 Served

Complaint No. 20220509041

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

Property Location: River Rd, New Smyrna Beach 32169

Parcel No. 850501720010 Zoning: R-9W

Environmental Specialist II - Danielle Gadzala

Property owner was first notified of the violation on Sydney Brownlee 6-6-22

*Order of Non-Compliance issued at the July 20, 2022 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 22, 2022:

Order of Compliance

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

September 21, 2022

CEB2022147 - POES CROW LLC

Served

*****REPEAT VIOLATION*****

Complaint No. 20220511080

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

Property Location: 203 S Atlantic Ave, New Smyrna Beach 32169

Parcel No. 740906090030

Zoning: 999

Sea Turtle Lighting Specialist - Nicole Weiss

Property owner was first notified of the violation on 6-15-22

*Final Order of Non-Compliance/Imposing Fine Lien issued at the July 20, 2022 hearing:

*Rec'd payment of the 1 Time fine of \$2,000.00 with Check # 1392

*A Report and Affidavit of Compliance was submitted with a compliance date of August 26, 2022:

Order of Compliance

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

CEB2020054 – BLAINE BAUGHMAN

Served

Complaint No. 20190530081

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

Property Location: 54 Plaza Dr, Ormond Beach 32176

Parcel No. 420300030133

Zoning: R-4

Code Compliance Officer - Robert Chayer

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

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

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

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

*3rd Amended Order of Non-Compliance issued at the September 15, 2021 hearing:

*4th Amended Order of Non-Compliance issued at the March 16, 2022 hearing:

Hearing to Impose Fine/Lien

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

Sabrina Slack, Assistant County Attorney stated Mr. Baughman is currently filing Chapter 7 Bankruptcy. We are asking for another amended order before we can take action on this case.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue a 5th Amended Order of Non-Compliance of Volusia County Code of Ordinances, CHAPTER 58, ARTICLE 1, SECTION 58-3 MAINTENANCE ORDINANCE. With a Hearing to Impose Fine is set for the March 15, 2023, hearing. After Member Needham SECONDED the motion, it CARRIED unanimously by voice vote.**

September 21, 2022

CEB2021142 - RONALD LEE HOUSER

Served

Complaint No. 20201103036

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

Property Location: 136 Seville St, Ormond Beach 32174

Parcel No. 424220240170

Zoning: R-5

Code Compliance Officer - Peter Hinson

Property owner was first notified of the violation on Feb 13, 2021

*Order of Non-Compliance issued at the August 17, 2022 hearing:

Hearing to Impose Fine/Lien

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

Peter Hinson, Code Compliance, presented the 2 cases together. Peter went over the case details, showing photos. Peter stated there has been no progress to date. The last inspection was on September, 15 2022.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing October 20, 2022 and to continue until compliance is achieved but not to exceed \$10,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021143 - RONALD LEE HOUSER

Served

Complaint No. 20210209029

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

Property Location: 136 Seville St, Ormond Beach 32174

Parcel No. 424220240170

Zoning: R-5

Code Compliance Officer - Peter Hinson

Property owner was first notified of the violation on Feb 13, 2021

*Order of Non-Compliance issued at the August 17, 2022 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing October 20, 2022 and to continue until compliance is achieved but not to exceed \$10,000.00 per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-287 (C).** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2021192 – STEVEN W HAYDEN

Posted

Complaint No. 20200824064

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

Property Location: 1705 Turtle Hill Rd, Enterprise 32725

Parcel No. 910901000260

Zoning: RREA

Environmental Specialist II - Julie McCrystal

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

*Order of Non-Compliance issued at the September 15, 2021 hearing:

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

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

*3rd Amended Order of Non-Compliance issued at the January 19, 2022 hearing:

*4th Amended Order of Non-Compliance issued at the July 20, 2022 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 19, 2022:

Order of Compliance

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

CEB2021243 – SHARON BARNES

Served

Complaint No. 20200227056

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

Property Location: Lanscam Rd, Deland 32724

Parcel No. 612101020220

Zoning: FRA

Zoning Compliance Officer - Debbie Zechnowitz

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

*Order of Non-Compliance issued at the May 18, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the July 20, 2022 hearing:

Hearing to Impose Fine/Lien

Sharon Barnes was present at the hearing for this case

Debbie Zechnowitz, Code Compliance, presented the case. Debbie went over the case details, showing photos. Debbie stated she received an email from Ms. Barnes at the end of August stating her survey was ready. She still needs a lot combination and a non-conforming lot letter, before she can apply for any building permits.

Ms. Barnes stated she is going to find someone to draw up the plans. Her husband is going to draw them and have them stamped. She stated she has the paperwork from zoning for the non-conforming lot letter and the lot combination.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing October 20, 2022 and to continue until compliance is achieved per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1**. After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2021276 - BERRYS RIDGE HOA INC

Served

Complaint No. 20180314034

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

Property Location: 3861 N Spring Garden Ave, Deland 32724

Parcel No. 602002000002

Zoning: A-3A, B-2A, RPUDA

Environmental Specialist II - Julie McCrystal

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

*Order of Non-Compliance issued at the April 20, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the June 15, 2022 hearing:

Hearing to Impose Fine/Lien

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

Julie McCrystal, Environmental Specialist, presented the case. Julie went over the case details, showing photos. Julie stated a tree permit was issued, and it expires December 17, 2022.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue a 2nd Amended Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72, ARTICLE III, DIVISION 10 SECTION 78-834(2) With a compliance date of December 16, 2022 and a Hearing to Impose Fine is set for the December 21, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2021312 - LOS DIAZ PROPERTIES LLC

Posted

Complaint No. 20210909006

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: 415 E Country Circle Dr, Port Orange 32128

Parcel No. 720102001030

Zoning: RC,RR

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on Oct 4, 2021

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

*1st Amended Order of Non-Compliance issued at the December 15, 2021 hearing:

*2nd Amended Order of Non-Compliance issued at the March 16, 2022 hearing:

Hearing to Impose Fine/Lien

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

Debbie Zechnowitz, Code Compliance, presented the case. Debbie went over the case details, showing photos. Debbie stated the permit is current until November 30, 2022. The permit for the storage building expired on August 22, 2022.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue a 3rd Amended Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 58, ARTICLE I, SECTION 58-3. With a compliance date of December 16, 2022 and a Hearing to Impose Fine is set for the December 21, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2021360 – Brett Marks TR, Sea Eight Dynasty Tr

Posted

Complaint No. 20210810084

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

Property Location: 325 N Putnam Grove Rd, Oak Hill 32759

Parcel No. 953701000141

Zoning: A-1

Zoning Compliance Officer - Debbie Zechnowitz

Property owner was first notified of the violation on 12-10-21

*Order of Non-Compliance issued at the January 19, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the April 20, 2022 hearing:

*2nd Amended Order of Non-Compliance issued at the July 20, 2022 hearing:

Hearing to Impose Fine/Lien

Dustin was present at the hearing for this case.

Debbie Zechnowitz, Code Compliance, presented the case. Debbie went over the case details, showing photos. Debbie stated permit application was submitted on April 20, 2022. Tom Legler sent a request for additional information on July 1, 2022. Staff received additional documents on September 19, 2022. Permit is in review and expires in January 2023. Dustin stated he just left the Building Department, paying all fees associated with the permit, which is ready to be issued after the electrical contractor updates his liability insurance.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the January 18, 2023 hearing.** After Member Hall **SECONDED** the motion, and it **CARRIED unanimously** by voice vote.

September 21, 2022

CEB2021382 - EDELGARD B PIERCE

Served

Complaint No. 20211021037

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

Property Location: 6468 River Rd, New Smyrna Beach 32169

Parcel No. 850501720110

Zoning: R-9W

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 1-4-22

*Order of Non-Compliance issued at the January 19, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the March 16, 2022 hearing:

*2nd Amended Order of Non-Compliance issued at the June 15, 2022 hearing:

*3rd Amended Order of Non-Compliance issued at the August 17, 2022 hearing:

Hearing to Impose Fine/Lien

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

Margaret Godfrey, Code Compliance, presented the 3 cases together. Margaret went over the case details, showing photos. Margaret stated there is a permit issued for the ground floor. The permit will expire the end of February.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 4th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7, SECTION 72-241, with a Hearing to Impose Fine set for the March 15, 2023 hearing.** After Member **Needham SECONDED** the motion, and it **CARRIED unanimously** by voice vote.

CEB2021384 - EDELGARD B PIERCE

Served

Complaint No. 20210723010

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). House has been converted into 3 living areas. PA states that there are 3 bedrooms and 3 bathrooms. According to the original drawings, the house was built as a 2 bedroom, 3 bathroom home. The property now has 2 kitchens, 4 bathrooms and 5 bedrooms. No evidence of the required permits and inspection approvals.

Property Location: 6468 River Rd, New Smyrna Beach 32169

Parcel No. 850501720110

Zoning: R-9W

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 1-4-22

*Order of Non-Compliance issued at the January 19, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the March 16, 2022 hearing:

*2nd Amended Order of Non-Compliance issued at the June 15, 2022 hearing:

*3rd Amended Order of Non-Compliance issued at the August 17, 2022 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 4th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2 SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the March 15, 2023 hearing.** After Member **Needham SECONDED** the motion, and it **CARRIED unanimously** by voice vote.

September 21, 2022

CEB2021385 - EDELGARD B PIERCE

Served

Complaint No. 20211214002

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

Property Location: 6468 River Rd, New Smyrna Beach 32169

Parcel No. 850501720110

Zoning: R-9W

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on E Pierce 1-4-22

*Order of Non-Compliance issued at the January 19, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the March 16, 2022 hearing:

*2nd Amended Order of Non-Compliance issued at the June 15, 2022 hearing:

*3rd Amended Order of Non-Compliance issued at the August 17, 2022 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an 4th Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 9, SECTION 72-341(b), with a Hearing to Impose Fine set for the March 15, 2023 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED unanimously** by voice vote.

September 21, 2022

CEB2022035 – SALMON PROPERTIES LLC

Served

Complaint No. 20211122047

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: 2133 5th Ave, Deland 32724

Parcel No. 700101290130

Zoning: R-4A

Code Compliance Officer - Robert Chayer

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

*Order of Non-Compliance issued at the March 16, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the May 18, 2022 hearing:

*2nd Amended Order of Non-Compliance issued at the June 15, 2022 hearing:

Hearing to Impose Fine/Lien

Rick Salmon was present at the hearing for this case.

Robert Chayer, Code Compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert stated this property has a new owner. Remodel permit has been issued which expires in February 2023. A roof permit has been finalized. Mr. Salmon stated they had a preventative inspection on September 20, 2022, we have a plumbing inspection on Friday September 23, 2022.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 58, ARTICLE I SECTION 58-3 MAINTENANCE ORDINANCE, with a Hearing to Impose Fine set for the February 15, 2023 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

CEB2022036 - SALMON PROPERTIES LLC

Served

Complaint No. 20220131011

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

Property Location: 2133 5th Ave, Deland 32724

Parcel No. 700101290130

Zoning: R-4A

Code Compliance Officer - Robert Chayer

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

*Order of Non-Compliance issued at the March 16, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the May 18, 2022 hearing:

*2nd Amended Order of Non-Compliance issued at the June 15, 2022 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a 3rd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2 SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the February 15, 2023 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2022072 - FRANK P JR & STEPHANIE LALASHUIS

Served

Complaint No. 20211207021

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

Property Location: 1578 Bear Paw Ln, Deland 32720

Parcel No. 694401000868

Zoning: A-2

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Jan 31, 2022

*Order of Non-Compliance issued at the May 18, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the June 15, 2022 hearing:

Hearing to Impose Fine/Lien

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

Robert Chayer, Code Compliance, presented the case with Danielle Gadzala. Robert went over the case details, showing photos. Robert stated this is for building a shed without a permit. He said he has had no contact with the homeowner, only Darren. Robert also stated there has not been much movement on this violation. Staff is recommending an order imposing fine/lien in the amount of \$50.00 per day, with no cap to begin on October 20, 2022. Danielle Gadzala, Environmental Specialist, stated issuance of a FDEP or Volusia County Permit does not correct the violation. The ordinance requires we meet the dictation of avoidance and minimization of impact to wetland and buffer. There is a 50-foot buffer in this location off of the wetland line. There is either mitigation, paying for it, but no more that 50 percent can be impacted, or there is replanting and returning it to the natural condition. Darren stated it was built without a permit, acknowledging it does require wetland permits. The owner has worked with surveyor and biologist, to work towards coming into compliance. He is waiting on the surveyor to finish up, then he will get a FDEP permit. Darren also stated the owner is being diligent in getting the surveyor out to finish up.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2 SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the October 19, 2022 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED unanimously** by voice vote.

September 21, 2022

CEB2022073 - FRANK P JR & STEPHANIE LALASHUIS

Served

Complaint No. 20211213009

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: 1578 Bear Paw Ln, Deland 32720

Parcel No. 694401000868

Zoning: A-2

Environmental Specialist II - Danielle Gadzala

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

*Order of Non-Compliance issued at the May 18, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the June 15, 2022 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a 2nd Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III, DIVISION II SECTION 72-884, with a Hearing to Impose Fine set for the October 19, 2023 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2022080 - JAMES G LECAKIS EST

Served

Complaint No. 20210412058

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

Property Location: 4625 Audubon Ave, Deleon Springs 32130

Parcel No. 694313020160

Zoning: R-3

Code Compliance Officer - Robert Chayer

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

*Order of Non-Compliance issued at the June 15, 2022 hearing:

Hearing to Impose Fine/Lien

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

Robert Chayer, Code Compliance, presented the case. Robert went over the case details, showing photos. Robert stated a lot of progress has been made.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a 1st Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II, DIVISION 7 SECTION 72-241, with a Hearing to Impose Fine set for the January 18, 2023 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED unanimously** by voice vote.

September 21, 2022

CEB2022116 – MONICA SANCHEZ

Served

Complaint No. 20220118008

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

Property Location: 5026 Audubon Ave, Deleon Springs 32130

Parcel No. 694401001111 Zoning: A-3

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Jan 21, 2022

*Order of Non-Compliance issued at the July 20, 2022 hearing:

Hearing to Impose Fine/Lien

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

Robert Chayer, Code Compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert stated he has had contact with the owner. They plan to remove the mobile home by the end of September.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a First Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 22-2, SECTIONS 105.1 AND 110.1, with a Hearing to Impose Fine set for the January 19, 2023 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED unanimously** by voice vote

CEB2022117 – MONICA SANCHEZ

Served

Complaint No. 20220512040

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: 5026 Audubon Ave, Deleon Springs 32130

Parcel No. 694401001111 Zoning: A-3

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on 5-18-22

*Order of Non-Compliance issued at the July 20, 2022 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a First Amended Order of Non-Compliance for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 118-TRAFFICE & VEHICLES, ARTICLE II SECTION 118.34, with a Hearing to Impose Fine set for the January 19, 2023 hearing.** After Member Needham **SECONDED** the motion, and it **CARRIED unanimously** by voice vote

September 21, 2022

CEB2022123 - DP LLC TR / 410 E Bennett Land Trust

Served

Complaint No. 20220331026

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). House has been converted to a duplex and has 2 full kitchens.

Property Location: 410 Bennett Ave, Deland 32724

Parcel No. 700400000621

Zoning: R-4A

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Apr 04, 2022

*Order of Non-Compliance issued at the June 15, 2022 hearing:

Hearing to Impose Fine/Lien

Barry Sanhouse was present at the hearing for this case.

Robert Chayer, Code Compliance, presented the 2 cases together. Robert went over the case details, showing photos. Robert stated this is a duplex. The area is not zoned for a duplex. I have talked with Barry about a plan, however, there has not been an application for a permit filed. Barry stated the have supplies that have been delivered. He stated the plumber and electrician are preparing to submit an application. He wants to know if he needs stamped plans for plumbing and electric. Chair Lingenfelter advised to get with staff regarding a permit. It was clarified that plumbing and electric plans need to be signed and sealed.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day/per case commencing November 17, 2022 and to continue until compliance is achieved per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2022124 - DP LLC TR / 410 E Bennett Land Trust

Served

Complaint No. 20220331027

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

Property Location: 410 Bennett Ave, Deland 32724

Parcel No. 700400000621

Zoning: R-4A

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on Apr 04, 2022

*Order of Non-Compliance issued at the June 15, 2022 hearing:

Hearing to Impose Fine/Lien

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$100.00 per day/per case commencing November 17, 2022 and to continue until compliance is achieved per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72, ARTICLE II, DIVISION 7, SECTIONS 72-241.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2022168 – BROKEN HOOK LLC

Served

Complaint No. 20220524111

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

Property Location: 451 S Atlantic Ave, Daytona Beach 32118

Parcel No. 530902020220

Zoning: 999

Sea Turtle Lighting Specialist - Nicole Weiss

Property owner was first notified of the violation on 7-11-22

*Order of Non-Compliance issued at the July 20, 2022 hearing:

*1st Amended Order of Non-Compliance issued at the August 17, 2022 hearing:

Hearing to Impose Fine/Lien

Jason Zelenek was present at the hearing for this case.

Nicole Weiss, Environmental Specialist, presented the case. Nicole went over the case details, showing photos. Nicole stated they have made great progress. They have improved with the umbrella lights, the interior lights have been addressed. I did an inspection last night, they had the shields for the can fixtures adjusted properly. The property has come into compliance. As a reminder we recommended a one time fine of \$2,000.00 and \$100.00 per day until compliant. Ryan Chabot, Environmental Management, stated they are recommending dismissing the fine.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an order of Compliance with a compliance date of September 20, 2022, for violation of VOLUSIA COUNTY CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III DIVISION 12 SECTION 72-924.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2022171 – BRIAN & TINA VON HEIN

Posted

Complaint No. 20220519072

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

Property Location: 303 Pine Cone Dr, Ormond Beach 32174

Parcel No. 403501000870

Zoning: RR

Environmental Specialist II - Julie McCrystal

Property owner was first notified of the violation on

*Order of Non-Compliance issued at the August 17, 2022 hearing:

Hearing to Impose Fine/Lien

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

Julie McCrystal, Environmental Specialist, presented the case. Julie went over the case details, showing photos. Julie stated she has had no contact with the property owner.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order Imposing Fine/Lien with an assessed fine in the amount of \$50.00 per day/per case commencing October 20, 2022 and to continue until compliance is achieved, per case for violation of VOLUSIA COUNTY CODE OF ORDINANCES CHAPTER 72 ARTICLE III DIVISION 10 SECTION 72-834(2).** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

X. Hearings and Presentation of Filed Notices of Violations

CEB2022203 - PLAZA RESORT ATLANTIC OCEAN LLC Posted

Complaint No. 20220503053

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

Property Location: 600 N Atlantic Ave, Suite 406, Daytona Beach 32118

Parcel No. 530409060010 Zoning: 999

Sea Turtle Lighting Specialist - Nicole Weiss

Property owner was first notified of the violation on Aug 09, 2022

Jessica Gallup with Cobb Cole Law Firm was present for this case.

Nicole Weiss, Environmental Specialist, presented the case. Nicole went over the case details, showing photos. Nicole stated that in October of last year, we noticed improper lighting. Because it was the end of the sea turtle nesting season, we did not pursue violations at that time. We did try to work with them during the offseason. We conducted an inspection on May 2, 2022. They have approximately 150 wall mounted balcony lights. On June 7, 2022, we ask for a timeline and reminded them, that this is a time sensitive issue. We sent a follow up on June 27, 2022, because there was no communication. It has been back and forth with very minor changes. Under previous ownership they were in front of code board for the same thing. They came into compliance by turning the lights off. Staff recommendation is an Order of Non-Compliance.

Jessica Gallup stated the intention of the property owners is to install the fully shielded safe lighting. Until those are installed, they have requested all balcony lights be turned off. This should be completed in 30 days.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE III DIVISION 12 SECTION 72-924 With a compliance date of October 15, 2022 and a Hearing to Impose Fine is set for the October 19, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2021278 - JOSEPH C MACALUSO

Sheriff Served

Complaint No. 20210811033

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

Property Location: 1443 E New York Ave, Deland 32724

Parcel No. 701106000060 Zoning: B-4CA

Code Compliance Officer - Robert Chayer

Property owner was first notified of the violation on

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

Robert Chayer, code compliance, presented the case. Robert went over the case details, showing photos. Robert stated there was a permit issued but it has since expired.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2 SECTIONS 105.1 AND 110.0 With a compliance date of October 7, 2022 and a Hearing to Impose Fine is set for the October 19, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2021306 – COURTNEY & JILL WHITTAKER

Posted

Complaint No. 20210929077

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

Property Location: 1140 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000180 Zoning: FR,RC

Code Compliance Manager - Chris Hutchison

Property owner was first notified of the violation on Sep 30, 2021

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

Chris Hutchison, code compliance, presented the 4 cases together with Julie McCrystal. Chris went over the case details, showing photos. Chris stated he is working with the property owners to come into compliance.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a compliance date of November 11, 2022 and a Hearing to Impose Fine is set for the November 16, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021307 - COURTNEY & JILL WHITTAKER

Posted

Complaint No. 20210929076

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). shed, wrap around patio/porch, pole barn, awning over pool deck, electrical and may not be a complete list

Property Location: 1140 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000180 Zoning: FR,RC

Code Compliance Manager - Chris Hutchison

Property owner was first notified of the violation on Sep 30, 2021

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2 SECTIONS 105.1 AND 110.1 With a compliance date of November 11, 2022 and a Hearing to Impose Fine is set for the November 16, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2021309 - COURTNEY & JILL WHITTAKER

Posted

Complaint No. 20211007050

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Accessory use or structure: Any use or detached structure clearly incidental, subordinate and related to the principal use or structure and located on the same lot with such principal use or structure. Provided however, a recreational vehicle; motor vehicle; mobile home; trailer or semi-trailer; railroad car; bus, truck or automobile body, or other similar unit shall not be used as an accessory structure or converted into an accessory structure even when altered, stripped or otherwise rebuilt
Property Location: 1140 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000180

Zoning: FR,RC

Code Compliance Manager - Chris Hutchison

Property owner was first notified of the violation on Sep 30, 2021

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a compliance date of November 11, 2022 and a Hearing to Impose Fine is set for the November 16, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021311 - COURTNEY & JILL WHITTAKER

Posted

Complaint No. 20210927035

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: 1140 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000180

Zoning: FR,RC

Environmental Specialist II - Julie McCrystal

Property owner was first notified of the violation on Sep 30, 2021

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

September 21, 2022

CEB2021308 - JILL WHITTAKER

Sheriff Served

Complaint No. 20210929082

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

Property Location: 1120 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000190

Zoning: FR,RC

Code Compliance Manager - Chris Hutchison

Property owner was first notified of the violation on Sep 30, 2021

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

Chris Hutchison, code compliance, presented the 2 cases together. Chris went over the case details, showing photos.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 With a compliance date of November 11, 2022 and a Hearing to Impose Fine is set for the November 16, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021310 - JILL WHITTAKER

Sheriff Served

Complaint No. 20210929080

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). siding, windows, enclosing the porch, may not be a complete list

Property Location: 1120 Lake Harney Woods Blvd, Mims 32754

Parcel No. 031601000190

Zoning: FR,RC

Code Compliance Manager - Chris Hutchison

Property owner was first notified of the violation on Sep 30, 2021

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2 SECTIONS 105.1 AND 110.1 With a compliance date of November 11, 2022 and a Hearing to Impose Fine is set for the November 16, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2022144 - JEAN B ALEPIN TR & KIM MARIE KING-ALEPIN TR Posted

Complaint No. 20211026019

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: 320 Prevatt Rd, Seville 32190

Parcel No. 382900000092

Zoning: A-1,A-3

Environmental Specialist I - Danielle Gadzala

Property owner was first notified of the violation on Feb 1, 2022

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

Danielle Gadzala, Environmental Management, presented the case. Danielle went over the case details, showing photos. Permit application has been submitted and is currently in zoning review. A variance meeting has been scheduled for October 20, 2022.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884 With a compliance date of January 15, 2023 and a Hearing to Impose Fine is set for the January 18, 2023 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2022173 - OPENDOOR PROPERTY J LLC

Served

Complaint No. 20220708069

Violation of VOLUSIA COUNTY CODE OF ORDINANCES, CHAPTER 22-2, SECTIONS 105.1 AND 110.1 Construction without the required permit(s) and/or inspection approval(s). Appears renovation and or remodel with no evidence of required permits, inspections or approvals. Residential renovation. (2) New windows. Heat required per R303.10. Building, Mechanical, Electrical - Permitting & inspections residential required. May not be a complete list.

Property Location: 9 Aspen St, Daytona Beach 32124

Parcel No. 620603070180

Zoning: R-4(5)A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 7-16-22

CONTINUED TO October 2022

CEB2022175 - OPENDOOR PROPERTY J LLC

Served

Complaint No. 20220719009

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

Property Location: 68 Carol Rd, Ormond Beach 32176

Parcel No. 323403001360

Zoning: R-5

Code Compliance Officer - Peter Hinson

Property owner was first notified of the violation on 7-29-22

CONTINUED TO October 2022

CEB2022177 – CONFIDENTIAL DATA F.S. 119.07

Served

Complaint No. 20200812063

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: 6562 Turtle mound Rd, New Smyrna Beach 32169

Parcel No. 850501470310

Zoning: R-9W

Zoning Compliance Officer - Debbie Zechnowitz

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

CONTINUED TO October 2022

September 21, 2022

CEB2022195 - DAYTONA SEA BREEZE 3299 LLC

Served

Complaint No. 20220629029

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

Property Location: 4043 S Atlantic Ave, Port Orange 32127

Parcel No. 631202000870

Zoning: R-9(S)

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on June 29, 2022

Steve Vanarnem General Contractor was present at the hearing for this case.

Fred Eastwood, code compliance, presented the case. Fred went over the case details, showing photos. Fred stated he talked with the plumber on site. The plumber told Fred he was sent in to cut into both garage floors, to remove the cast iron pipe and run new pvc as a replacement. When Fred asked about the permitting, the plumber said he knew nothing about the permit. Fred stated he posted a notice of violation, and sent pictures to the Building Licensing Inspector because the plumber was not a licensed contractor. On June 30, 2022, Fred received an updated not from the Building Licensing Inspector stating that the ground floor garage concrete slab has been trenched for new plumbing. The existing garage floor is below grade on side and on the rear. Two new exterior doors and opening do not appear to be pre-existing to accept a new door assembly. If the doors are to provide egress, they need to be conformed to 78 inches or greater clear height. Framing from the living space above is open and unprotected and has 2 bys showing what may be supporting the living space floor. On August 11, 2022, no further contact with the property owner and no permit application on file. This is a Van Arnom project, with an unlicensed plumber doing work. A citation was issued and sent to the unlicensed plumber. On August 17, 2022 Fred posted a notice of violation and a notice to appear. On August 22, 2022, Fred received an email from Officer Rivera, stating she received a call from the contractor, Steve Arnom, saying a permit application had been submitted. The permit center advised the permit had been cancelled by zoning. Staff is recommending an order of non-compliance, with a compliance date of November 11, 2022, with a hearing to impose fine/lien on November 16, 2022.

Steve Vanarmon stated he has been waiting on plans before he submits a permit application. He should have the plans within 30 days.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order of Non-Compliance for violation of Volusia County Code of Ordinances CHAPTER 22-2 , SECTIONS 105.1 AND 110.1 With a compliance date of November 11, 2022 and a Hearing to Impose Fine is set for the November 16, 2022 hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2022196 – LISA KILGORE

Posted

Complaint No. 20211025025

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

Property Location: 4151 Swamp Deer Rd, New Smyrna Beach 32168

Parcel No. 820101060290 Zoning: RA

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on May 10, 2022

CONTINUED TO NOVEMBER 16, 2022

CEB2022197 – LISA KILGORE

Posted

Complaint No. 20210208020

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

Property Location: 4151 Swamp Deer Rd, New Smyrna Beach 32168

Parcel No. 820101060290 Zoning: RA

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on May 10, 2022

CONTINUED TO NOVEMBER 16, 2022

CEB2022204 - CHARLES W MASON

Posted

Complaint No. 20220713022

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: 1270 Kenard St, New Smyrna Beach 32168

Parcel No. 731200000390

Zoning: A-3A

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on July 13, 2022

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

Fred Eastwood, code compliance, presented the 2 cases together. Fred went over the case details, showing photos. Fred stated the home is unsafe and recommended sending it to the CLCA Board. Fred added that this was a New Smyrna Beach case before it came back to us and that this property has had many complaints along with liens already issued by the city.

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance and refer to Contractor's Licensing and Construction Appeals Board, for violation of Volusia County Code of Ordinances CHAPTER 58-3, ARTICLE I, SECTION 58-3.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2022205 - CHARLES W MASON

Posted

Complaint No. 20220713027

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

Property Location: 1270 Kenard St, New Smyrna Beach 32168

Parcel No. 731200000390

Zoning: A-3A

Code Compliance Officer - Fred Eastwood

Property owner was first notified of the violation on July 13, 2022

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Non-Compliance, for violation of Volusia County Code of Ordinances CHAPTER 72, ARTICLE II, DIVISION 7, SECTION 72-241.** After Member **Needham** **SECONDED** the motion, it **CARRIED** unanimously by voice vote. Member Hall **MOVED** to AMEND the previous MOTION, **SECONDED** by Member Needham to include **a compliance date of October 11, 2022 and a Hearing to Impose Fine is set for the October 19, 2022 hearing.**

September 21, 2022

XI. Requests for Discussion of Accumulated Fines

CEB2006567/568/569/570 - TARPON IV LLC

Sheriff Served

Complaint Nos. 20060717094/7055/7056/20061012030

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CH 72 ART II DIV 8 SEC 72-287 (b) Maintaining a r/v, boat and/or trailer without current tags/validation sticker/Chapter 118, Art. II, Section 118-34, Vehicles without tags, Ord. 80-8 as amended, Art. VII, Section RR, accessory use without principal structure, 80-8, as amended, Art. VII, Section RR, junkyard where not permitted.

Property Location: Garden St, Deland 32720

Parcel No. 603910220160

Zoning:

Building Compliance Officer – Margaret Godfrey

Property owner was first notified of the violation on SEP 01, 2006

*Order of Non-Compliance on May 3, 2007

*1st Amended Order on May 3, 2007

*Final Order Imposing Fine Lien issued at the November 15, 2006 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 1, 2022:

Request for Discussion of Fine/Liens of \$941,116 on all above listed cases

Dominique Woods was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Margaret stated these are old cases that we had received some tax deed money for. Margaret added the new owners have cleaned everything up and we would like to get these cases closed out.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to reduce the fine to zero dollars and issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances, CHAPTER 72, ARTICLE II, DIVISION 8, SECTION 72-287 (b).** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2018181 - OCEAN SHORE HOLDINGS INC

Served

Complaint No. 20170516044

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

Property Location: 1294 Ocean Shore Blvd, Ormond Beach 32176

Parcel No. 420313001390

Zoning: B-4

Building Compliance Officer – Margaret Godfrey

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

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of November 11, 2019:

*Order of Compliance issued at the July 20, 2022 hearing:

Request for Discussion of Fine/Lien of \$20,700.00

Attorney Mark Watts was present at the hearing for this case.

Margaret Godfrey, code compliance, presented the case. Margaret went over the case details, showing photos. Mr. Watts asked the Board to reduce the lien and agreed to the amount.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to reduce the fine to \$2,070.00 payable in thirty days and issue an Order of Dismissing and Releasing Fine/Lien for violation of Volusia County Code of Ordinances, CHAPTER 22-2, SECTIONS 105.1 AND 110.1.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2021079 – ANTHONY COOPER

Served

Complaint No. 20210214003

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

Property Location: 494 Old Daytona Rd, Deland 32724

Parcel No. 603304000010

Zoning: I-1A

Environmental Specialist II - Todd Hannah

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

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

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

*2nd Amended Order of Non-Compliance issued at the September 15, 2021 hearing:

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

*4th Amended Order of Non-Compliance issued at the February 16, 2022 hearing:

*Order Imposing Fine/Lien issued at the April 20, 2022 hearing:

*1st Amended Order Imposing Fine/Lien issued at the June 15, 2022 hearing:

Request for Discussion of Fine/Lien of Start Date of September 22, 2022

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

Todd Hannah, Environmental Management, presented the cases together with Robert Chayer. Todd went over the case details, showing photos. Kenneth Ashley stated everything has been submitted and he plans to have the cost of the job submitted by next Friday. Mr. Ashley asked for an extension of 120 days so that this job can be completed. Samantha West stated that they are working towards compliance. Chairman Lingenfelter asked what staff recommends. Chris Hutchison said that our recommendation is to not change anything with the fine start date. Chairman Lingenfelter then explained the process for a reduction request.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to deny the request of an extension and to keep the 1st Amended Order Imposing Fine/Lien as is for violation of Volusia County Code of Ordinances, CHAPTER 72, ARTICLE III, DIVISION 10, SECTION 72-834(b).** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

CEB2021128 - ANTHONY COOPER

Served

Complaint No. 20210220006

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

Property Location: 494 Old Daytona Rd, Deland 32724

Parcel No. 603304000010

Zoning: I-1A

Code Compliance Officer - Robert Chayer

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

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

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

*2nd Amended Order of Non-Compliance issued at the September 15, 2021 hearing:

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

*4th Amended Order of Non-Compliance issued at the February 16, 2022 hearing:

*Order Imposing Fine/Lien issued at the April 20, 2022 hearing:

*1st Amended Order Imposing Fine/Lien issued at the June 15, 2022 hearing:

Request for Discussion of Fine/Lien of Start Date of September 22, 2022

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to deny the request of an extension and to keep the 1st Amended Order Imposing Fine/Lien as is for violation of Volusia County Code of Ordinances, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291.** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2021129 - ANTHONY COOPER

Served

Complaint No. 20210220007

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

Property Location: 494 Old Daytona Rd, Deland 32724

Parcel No. 603304000010

Zoning: I-1A

Code Compliance Officer - Robert Chayer

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

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

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

*2nd Amended Order of Non-Compliance issued at the September 15, 2021 hearing:

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

*4th Amended Order of Non-Compliance issued at the February 16, 2022 hearing:

*Order Imposing Fine/Lien issued at the April 20, 2022 hearing:

*1st Amended Order Imposing Fine/Lien issued at the June 15, 2022 hearing:

Request for Discussion of Fine/Lien of Start Date of September 22, 2022

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to deny the request of an extension and to keep the 1st Amended Order Imposing Fine/Lien as is for violation of Volusia County Code of Ordinances, CHAPTER 72 ARTICLE II DIVISION 9 SECTION 72-341(b).** After Member Hall **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

Cases from the Addendum

IX. Unfinished Business

CEB2021346 - OPENDOOR PROPERTY TRUST I

Served

Complaint No. 20211029019

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

Property Location: 316 N Blue Lake Ave, Deland 32724

Parcel No. 70100000080

Zoning: R-4A

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 11-3-2021

*Order of Non-Compliance issued at the December 15, 2021 hearing:

*1st Amended Order of Non-Compliance issued at the January 19, 2022 hearing:

*Final Order Imposing Fine Lien issued at the April 20, 2022 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 1, 2022:

Order of Compliance

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

CEB2021379 - OPENDOOR PROPERTY TRUST I

Served

Complaint No. 20211209022

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

Property Location: 2119 Eau Claire Ave, Deland 32724

Parcel No. 701111120082

Zoning: R-3

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on 12-18-21

*Order of Non-Compliance issued at the January 19, 2022 hearing:

*Final Order Imposing Fine Lien issued at the April 20, 2022 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 6, 2022:

Order of Compliance

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

September 21, 2022

CEB2022041 - R & R LAND HOLDINGS LLC

Served

Complaint No. 20220217030

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III The site has been constructed beyond the scope of the approved Final Site Plan Development Order.

Property Location: 554 N Cr 415 , New Smyrna Beach 32168

Parcel No. 721100000100

Zoning: A-1,A-2,RC

Code Compliance Coordinator - Margaret Godfrey

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

*The Board continued this case from the March 16, 2022 hearing:

*Order of Non-Compliance issued at the April 20, 2022 hearing:

*The Enforcement Official continued this case from the July 20, 2022 hearing:

*The Enforcement Official continued this case from the September 21, 2022 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 7, 2022:

Order of Compliance

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance**. After Member Needham **SECONDED** the motion, it **CARRIED** by voice vote by the Chair Lingenfelter, Member Zahn sustained, due to a conflict of interest. Due to a quorum, hearing is set for October 19, 2022 for an official vote.

CEB2022042 - R & R LAND HOLDINGS LLC

Served

Complaint No. 20220223041

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Not following the site plan. Putting drive aisles in the RC zone and it will cause stormwater issues.

Property Location: 554 N Cr 415 , New Smyrna Beach 32168

Parcel No. 721100000100

Zoning: A-1,A-2,RC

Code Compliance Coordinator - Margaret Godfrey

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

*The Board continued this case from the March 16, 2022 hearing:

*Order of Non-Compliance issued at the April 20, 2022 hearing:

*The Enforcement Official continued this case from the July 20, 2022 hearing:

*The Enforcement Official continued this case from the September 21, 2022 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 7, 2022:

Order of Compliance

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance**. After Member Needham **SECONDED** the motion, it **CARRIED** by voice vote by the Chair Lingenfelter, Member Zahn sustained, due to a conflict of interest. Due to a quorum, hearing is set for October 19, 2022 for an official vote.

September 21, 2022

CEB2022044 - R & R LAND HOLDINGS LLC

Posted

Complaint No. 20220223036

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

Property Location: 554 N Cr 415 , New Smyrna Beach 32168

Parcel No. 721100000100

Zoning: A-1,A-2,RC

Code Compliance Coordinator - Margaret Godfrey

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

*The Board continued this case from the March 16, 2022 hearing:

*Order of Non-Compliance issued at the April 20, 2022 hearing:

*The Enforcement Official continued this case from the July 20, 2022 hearing:

*The Enforcement Official continued this case from the September 21, 2022 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of September 7, 2022:

Order of Compliance

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** by voice vote by the Chair Lingenfelter, Member Zahn sustained, due to a conflict of interest. Due to a quorum, hearing is set for October 19, 2022 for an official vote.

CEB2022045 - R & R LAND HOLDINGS LLC

Posted

Complaint No. 20220223029

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

Property Location: 554 N Cr 415 , New Smyrna Beach 32168

Parcel No. 721100000100

Zoning: A-1,A-2,RC

Code Compliance Coordinator - Margaret Godfrey

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

*The Board continued this case from the March 16, 2022 hearing:

*Order of Non-Compliance issued at the April 20, 2022 hearing:

*The Enforcement Official continued this case from the July 20, 2022 hearing:

*The Enforcement Official continued this case from the September 21, 2022 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of June 16, 2022:

Order of Compliance

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** by voice vote by the Chair Lingenfelter, Member Zahn sustained, due to a conflict of interest. Due to a quorum, hearing is set for October 19, 2022 for an official vote.

September 21, 2022

CEB2022046 - R & R LAND HOLDINGS LLC

Posted

Complaint No. 20220223028

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: 554 N Cr 415 , New Smyrna Beach 32168

Parcel No. 721100000100

Zoning: A-1,A-2,RC

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on BPRT30CO19 3-3-22

*The Board continued this case from the March 16, 2022 hearing:

*Order of Non-Compliance issued at the April 20, 2022 hearing:

*The Enforcement Official continued this case from the July 20, 2022 hearing:

*The Enforcement Official continued this case from the September 21, 2022 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of June 16, 2022:

Order of Compliance

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance**. After Member Needham **SECONDED** the motion, it **CARRIED** by voice vote by the Chair Lingenfelter, Member Zahn sustained, due to a conflict of interest. Due to a quorum, hearing is set for October 19, 2022 for an official vote.

CEB2022047 - R & R LAND HOLDINGS LLC

Posted

Complaint No. 20220225040

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE III DIVISION 6 SECTION 72-691(B) Clearing in the County right of way without the proper Use Permit

Property Location: 554 N Cr 415 , New Smyrna Beach 32168

Parcel No. 721100000100

Zoning: A-1,A-2,RC

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on BPRT30CO19 3-3-22

*The Board continued this case from the March 16, 2022 hearing:

*Order of Non-Compliance issued at the April 20, 2022 hearing:

*The Enforcement Official continued this case from the July 20, 2022 hearing:

*The Enforcement Official continued this case from the September 21, 2022 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of June 23, 2022:

Order of Compliance

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance**. After Member Needham **SECONDED** the motion, it **CARRIED** by voice vote by the Chair Lingenfelter, Member Zahn sustained, due to a conflict of interest. Due to a quorum, hearing is set for October 19, 2022 for an official vote.

September 21, 2022

CEB2022043 - R & R LAND HOLDINGS LLC

Posted

Complaint No. 20220223037

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 11 SECTION 72-415 Violation of special exception conditions. Specifically Special Exception Condition #1. Constructing outside the scope of the approved Final Site Plan Development Order. (Installation of Asphalt Millings Drive Aisle in the Resource Corridor). Special Exception Condition #2 (Campsites were open a week before the allotted time and multiple non-ag. structures and vehicles have remained after the allotted time.) Special Exception Condition #5 (Temporary Campground Permit application was submitted one day before the day of the requested event.) Special Exception Condition #13 (No temporary pedestrian crosswalk across Tomoka Farms Rd

Property Location: 554 N Cr 415 , New Smyrna Beach 32168

Parcel No. 721100000100

Zoning: A-1,A-2,RC

Code Compliance Coordinator - Margaret Godfrey

Property owner was first notified of the violation on BPRT30CO19 3-3-22

*The Board continued this case from the March 16, 2022 hearing:

*Order of Non-Compliance issued at the April 20, 2022 hearing:

*The Enforcement Official continued this case from the July 20, 2022 hearing:

*The Enforcement Official continued this case from the September 21, 2022 hearing:

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** by voice vote by the Chair Lingenfelter, Member Zahn sustained, due to a conflict of interest. Due to a quorum, hearing is set for October 19, 2022 for an official vote.

CEB2022066 - R & R LAND HOLDINGS LLC

Served

Complaint No. 20220318034

Violation of CODE OF ORDINANCES-COUNTY OF VOLUSIA, CHAPTER 10 AMUSEMENTS & ENTERTAINMENT ARTICLE II, OUTDOOR ENTERTAINMENT. Outdoor Entertainment Violation - Specifically Section 10-37 (5)(6) Erecting temporary structures (tents) and not removing the temporary structures (tents) within the required time frame. Temporary structures cannot be erected before 5 days before the event and have to be removed within 3 days of the end of the event

Property Location: 554 N Cr 415 , New Smyrna Beach 32168

Parcel No. 721100000100

Zoning: A-1,A-2,RC

Code Compliance Coordinator - Margaret Godfrey

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

*Order of Non-Compliance issued at the April 20, 2022 hearing:

*The Enforcement Official continued this case from the July 20, 2022 hearing:

*The Enforcement Official continued this case from the September 21, 2022 hearing:

Order of Compliance

After discussion and based on the testimony and evidence presented, Member Hall **MOVED to issue an Order of Compliance as the Respondent(s) has achieved compliance.** After Member Needham **SECONDED** the motion, it **CARRIED** by voice vote by the Chair Lingenfelter, Member Zahn sustained, due to a conflict of interest. Due to a quorum, hearing is set for October 19, 2022 for an official vote.

September 21, 2022

XI. Requests for Discussion of Accumulated Fines

CEB2022106 - Steven and Teresa Smith

Posted

Complaint No. 20220428014

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: 3735 John Anderson Dr., Ormond Beach 32176

Parcel No. 320803000060 Zoning: R-3,R-4,RC

Environmental Specialist II - Danielle Gadzala

Property owner was first notified of the violation on 4-29-22

*Order of Non-Compliance issued at the May 18, 2022 hearing:

*Final Order Imposing Fine Lien issued at the June 15, 2022 hearing:

*1st Amended Order Imposing Fine Lien issued at the July 20, 2022 hearing:

Request for Discussion of Fine/Lien Start date of September 22, 2022

Danny Young with Environmental Consulting was present at the hearing of this case.

Danielle Gadzala, Environmental Management, presented the case. Danielle went over the case details, showing photos. Danielle stated the property is concurrently with DEP. DEP issues have been resolved. There has been no progress with permitting since submission on 06/29/22. We still need a planting plan to issue a wetland alteration permit. Danny Young stated they have been actively working with DEP and the County.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue a 2nd Amened Order of Imposing Fine/Lien for, of Volusia County Code of Ordinances, CHAPTER 72, ARTICLE III, DIVISION 11 SECTION 72-884, with a hearing to Impose Fine set for November 17, 2022** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

September 21, 2022

XII. New Business

- A. Tally Sheets (Quarterly)**
- B. As Entertained by Chairman**
- C. As Entertained by Board Attorney**
- D. As Entertained by Staff Attorney – There are no applications for Board Members**
- E. As Entertained by Staff**

XIII. Adjournment

There being no further business to discuss before the Board, the meeting adjourned at 11:55 pm.

Respectfully submitted,

Ramona Jones
Code Enforcement Board Clerk

September 21, 2022

CERTIFICATE

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

I, Ramona Jones, Code Enforcement Board Clerk, do hereby certify that the foregoing pages constitute a true and accurate transcript of the minutes of the Volusia County Code Enforcement Board taken on September 21, 2022, at 123 West Indiana Avenue, Deland, Florida.

WITNESS MY HAND this 12th day of October, 2022, in the City of DeLand, County of Volusia, State of Florida.

**Ramona Jones
Code Board Clerk**

September 21, 2022