



VOLUSIA COUNTY CODE ENFORCEMENT BOARD MINUTES

September 5, 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

**Harry Wild, Jr., Vice-Chair
Tom Wright
Donald Needham
Charles Cino, Board Attorney
Pete Zahn
Gerard Smith**

MEMBERS ABSENT

**Kenneth Runge
Chad Lingenfelter, 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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May 16, 2018

UNFINISHED BUSINESS

CEB2012002-HALL RALEIGH DUNBAR DAVID, New Owner

Served

Complaint No. 20110804013

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) at 1312 E Howry Av, Deland.

Parcel No. 701513000300

Zoning: R-4

Building & Zoning Compliance - Debbie Zechnowitz

Property owner was first notified of the violation on Aug 08, 2011

*The Enforcement Official continued this case from the March 21, 2012 hearing:

*Order of Non - Compliance issued at the April 18, 2012 hearing:

*1st Amended Order of Non-Compliance issued at the July 18, 2012 hearing:

*Final Order Imposing Fine Lien issued at the August 15, 2012 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of April 26, 2017:

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

EB2017140-PULLIAM CATHY H

Posted

Complaint No. 20170328065

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: 2880 John Anderson Dr, Ormond Beach 32176

Parcel No. 322104000470

Zoning: R-3

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on

*Order of Non-Compliance issued at the November 15, 2017 hearing:

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

*2nd Amended Order of Non-Compliance issued at the February 21, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

*4th Amended Order of Non-Compliance issued at the May 16, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 17, 2018:

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

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CEB2017217-PLATMAN MARK

Posted

Complaint No. 20170728024

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: 1133 Avenue G , Ormond Beach 32174

Parcel No. 422901210050

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on July 31, 2017

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of August 10, 2018:

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

CEB2018051-MORRIS ANN

Served

Complaint No. 20160810040

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

Property Location: 3101 S Peninsula Dr, Daytona Beach 32118

Parcel No. 533403010050

Zoning: R-3

Zoning Compliance Coordinator - Tammy Proulx

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

*Order of Non-Compliance issued at the June 20, 2018 hearing:

*Final Order Imposing Fine Lien issued at the July 18, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 14, 2018:

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

May 16, 2018

CEB2018094-LOWE WILMA

Posted

Complaint No. 20170726020

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: 969 Rosalie Dr, Daytona Beach 32117

Parcel No. 424401070064

Zoning: MH-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on October 27, 2017

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

*Final Order Imposing Fine Lien issued at the August 15, 2018 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of August 21, 2018:

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

CEB2018128-KIRK PHYLLIS J

Served

Complaint No. 20161114051

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). (Structural & roofing, wood structure attached overhang in-process

Property Location: 917 Shady Park Ter, Daytona Beach 32117

Parcel No. 520201000440

Zoning: R-4

Building Compliance Officer - Beverly J Abrahamson

Property owner was first notified of the violation on Nov 17, 2016

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

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

*A Report and Affidavit of Compliance was submitted with a compliance date of August 8, 2018:

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

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CEB2017060-464 SPRING GARDEN LLC

Served

Complaint No. 20161220058

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

Property Location: 464 S Spring Garden Av, Deland 32720

Parcel No. 701814020010

Zoning: B-4,B-4C

Zoning Compliance Officer - Christopher R. Hooper

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

*The Board continued this case from the May 17, 2017 hearing:

*Order of Non-Compliance issued at the June 21, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

*3rd Amended Order of Non-Compliance issued at the September 20, 2017 hearing:

*4th Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

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

*6th Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*7th Amended Order of Non-Compliance issued at the June 20, 2018 hearing:

Hearing to Impose Fine/Lien

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

Christopher Hooper, Compliance Officer, presented the case. Christopher spoke with the owner on August 24th; he explained to Christopher that he is trying to make progress. He told Christopher that he needed more time, to try to meet the requirements set by the board.

Mr. Guess said that he is not making much progress, as he has run into some problems. He said that he was going to sell part of the back of the property to a neighbor, but he found out that he couldn't do that because they are not allowed to separate the parcels. He said that previously, the county told him that it was a good idea to combine the parcels; so they did. He said that he had an engineer that they did some things with. He said that the end result was not what was discussed at the last hearing, so he disbanded that.

The Vice-Chairman asked about the vehicles on the property.

Mr. Guess explained that the vehicles are not junk; he said they are his. He explained that he is licensed to sell vehicles. He said that he has B-4 zoning and at the time, he thought he was legal but now he is not.

The Vice-Chairman asked Mr. Guess, what his plan was to move the case forward.

He said that since he couldn't sell to his neighbor that he is still looking. He said now he

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has to sell as a unit because he can't take it apart. Mr. Guess said that he's back to square one and that he hasn't gotten much done. He said that he's doing what he can, but it's not fast.

Member Zahn asked what prevents the parcel from being split up.

Mr. Guess explained that the unit has been put together and previously, the county thought that it was a good idea and now to sell, the parcel has to be an acre or more.

Member Zahn and Mr. Guess explained the problems with trying to divide the parcel.

Mr. Guess explained that the new setbacks do not work with what he wants to do on the property. He said that he does not have the money to make the property usable for his purposes.

Member Needham asked Mr. Guess' intentions for the property.

Mr. Guess said to clean it up, get it merchandised and try to do it somewhere else. He said that it's going to take time. He explained that his business is not an eyesore and that his neighbors aren't the ones complaining. He said that an old business partner is the one who is doing that complaining. He said that he blamed the county for allowing this kind of harassment to go on.

The Vice-Chairman said that we've had seven amended orders. He said the original came up over a year ago. He said now we're in a position that we have to decide what to do. He said that Mr. Guess says that he has to wait to sell the property, before he can do anything on it; so we've got a violation that is going to stand for who knows how long. He said that it doesn't seem like there's any effort to clean it up.

Mr. Guess said that there had been an effort. He that he is a car dealer. He said that he has gotten rid of some of the older cars in the back, but that he brings in new cars.

Due to ex-parte communications, Member Zahn withheld his vote. It did not affect the outcome as there was a quorum and the vote was unanimous.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , per case to begin on October 6, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017063-464 SPRING GARDEN LLC

Served

Complaint No. 20161220056

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 8 SECTION 72-291 Retail/Wholesale sales without the required site plan approvals.

Property Location: 464 S Spring Garden Av, Deland 32720

Parcel No. 701814020010

Zoning: B-4,B-4C

Zoning Compliance Officer - Christopher R. Hooper

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

*The Board continued this case from the May 17, 2017 hearing:

*Order of Non-Compliance issued at the June 21, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

*2nd Amended Order of Non-Compliance issued at the August 16, 2017 hearing:

*3rd Amended Order of Non-Compliance issued at the September 20, 2017 hearing:

*4th Amended Order of Non-Compliance issued at the October 18, 2017 hearing:

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

*6th Amended Order of Non-Compliance issued at the March 21, 2018 hearing:

*7th Amended Order of Non-Compliance issued at the June 20, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Christopher Hooper, Compliance Officer, presented the case.

Due to ex-parte communications, Member Zahn withheld his vote. It did not affect the outcome as there was a quorum and the vote was unanimous.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , per case to begin on October 6, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017064-464 SPRING GARDEN LLC

Posted

Complaint No. 20130530032

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). (Accessory structures

Property Location: 464 S Spring Garden Av, Deland 32720

Parcel No. 701814020010

Zoning: B-4,B-4C

Building Compliance Officer – Christopher R. Hooper

Property owner was first notified of the violation on Jun 06, 2013

*The Board continued this case from the May 17, 2017 hearing:

*Order of Non-Compliance issued at the June 21, 2017 hearing:

*1st Amended Order of Non-Compliance issued at the July 19, 2017 hearing:

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- *2nd Amended Order of Non-Compliance issued at the August 16, 2017 hearing:
- *3rd Amended Order of Non-Compliance issued at the September 20, 2017 hearing:
- *4th Amended Order of Non-Compliance issued at the October 18, 2017 hearing:
- *5th Amended Order of Non-Compliance issued at the January 17, 2018 hearing:
- *6th Amended Order of Non-Compliance issued at the March 21, 2018 hearing:
- *7th Amended Order of Non-Compliance issued at the June 20, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Christopher Hooper, Compliance Officer, presented the case.

Due to ex-parte communications, Member Zahn withheld his vote. It did not affect the outcome as there was a quorum and the vote was unanimous.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day , per case to begin on October 6, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018019-2001 OLD NEW YORK LLC

Served

Complaint No. 20170810007

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: 2001 Old New York Av, Deland 32720

Parcel No. 791301000040 Zoning: A-3

Zoning Compliance Officer - Michael Mazzola

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

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

*1st Amended Order of Non-Compliance issued at the June 20, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Michael explained the pictures in his presentation and discussed the last time that he inspected the property to the board. Staff recommends a fine in the amount of \$50.00 per day, per case commencing October 18, 2018; not to exceed \$14,000.00.

Member Needham asked if the property was zoned commercial.

Michael said that it is not. He discussed the zoning of the property with the board.

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Mr. Guess said that these are both running side by side and that he removed 15 vehicles from the property. He said that he can only do so much.

Member Needham asked if Mr. Guess had brought other vehicles onto the property. He said no; there's nothing fresh. He said everything is going out and staying out.

Member Wild asked how many vehicles were left on the property.

Mr. Guess said 45-50 vehicles remain.

Member Wright asked Mr. Guess about his intentions for the property.

Mr. Guess said that he plans on removing the vehicles and then selling the property.

Due to ex-parte communications, Member Zahn withheld his vote. It did not affect the outcome as there was a quorum and the vote was unanimous.

Based on the evidence and testimony provided, Member Needham **MOVED to issue an Second Amended Order of Non-Compliance with a compliance date of December 15, 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 118 Section 118.34.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018035-2001 OLD NEW YORK LLC

Served

Complaint No. 20180124008

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

Property Location: 2001 Old New York Av, Deland 32720

Parcel No. 791301000040 Zoning: A-3

Zoning Compliance Officer - Michael Mazzola

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

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

*1st Amended Order of Non-Compliance issued at the June 20, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was present for the hearing.

Michael Mazzola, Compliance Officer, presented the case.

Due to ex-parte communications, Member Zahn withheld his vote. It did not affect the outcome as there was a quorum and the vote was unanimous.

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Based on the evidence and testimony provided, Member Needham **MOVED to issue an Second Amended Order of Non-Compliance with a compliance date of December 15, 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 72 Article II Division 7 Section 72-241.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017135-THOMAS BRYAN & ALEXANDRIA LOUGHREN Posted

Complaint No. 20160406030

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: 1065 Mckenzie Rd, Lake Helen 32744

Parcel No. 711900000101

Zoning: A-2

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on Apr 08, 2016

*Order of Non-Compliance issued at the July 19, 2017 hearing:

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

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

*2nd Amended Order of Non-Compliance issued at the April 18, 2018 hearing:

*3rd Amended Order of Non-Compliance issued at the June 20, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. There has been no further action on the permit application. Staff is recommending a fine in the amount of \$50.00 per day, to commence on October 18, 2018; not to exceed \$36,000.00.

Member Wild asked if there had been any more contact with the respondent.

Michael said not since the last hearing.

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 , per day to begin on October 18, 2018; not to exceed \$36,000.00.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

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CEB2017221-MORRISON MICHAEL J

Served

Complaint No. 20170724005

Violation of CODE OF ORDINANCES, COUNTY OF VOLUSIA, CHAPTER 72 ARTICLE II DIVISION 7 SECTION 72-241 Converting a shipping container to an accessory structure and using it for storage

Property Location: 331 N Tymber Creek Rd, Ormond Beach 32174

Parcel No. 412404000530

Zoning: MH-4,RC

Zoning Compliance Officer - Margaret Godfrey

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. The amended orders that were issued at the July 18, 2018, hearing just came back in the mail. In order to give proper notification, staff is recommending a second amended order of non-compliance, for both cases; so the property can be posted for the October 3, 2018 hearing.

Based on the evidence and testimony provided, Member Zahn **MOVED to issue an Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017222-MORRISON MICHAEL J

Served

Complaint No. 20170724006

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: 331 N Tymber Creek Rd, Ormond Beach 32174

Parcel No. 412404000530

Zoning: MH-4,RC

Zoning Compliance Officer - Margaret Godfrey

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

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

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

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Based on the evidence and testimony provided, Member Zahn **MOVED to issue a Second Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 8 Section 72-287.** After Member Smith **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018195-HENDERSON LINDA

Posted

Complaint No. 20180327056

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: 1215 Deneece Ter, Daytona Beach 32117

Parcel No. 523705000570

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on March 27, 2018

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. The Orders of Non-Compliance, were returned in the mail. In order to get proper notification, staff is recommending an amended order for all of the cases, with a hearing to impose fine scheduled for October 3, 2018. She explained that the property must be posted.

Based on the evidence and testimony provided, Member Wright **MOVED to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 9 Section 72-341 (b).** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017398-HENDERSON LINDA

Posted

Complaint No. 20171025023

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

Property Location: 1215 Deneece Ter, Daytona Beach 32117

Parcel No. 523705000570

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Oct 30, 2017

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

Hearing to Impose Fine/Lien

May 16, 2018

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wright MOVED **to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 3, 2018 hearing for Violating Volusia County Code of Ordinances, Chapter 72 Article II Division 7 Section 72-241.** After Member Zahn **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2017399-HENDERSON LINDA

Posted

Complaint No. 20171025024

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: 1215 Deneece Ter, Daytona Beach 32117

Parcel No. 523705000570

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Oct 30, 2017

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

Based on the evidence and testimony provided, Member Wright MOVED **to issue an First Amended Order of Non-Compliance with a Hearing to Impose Fine/Lien to be scheduled for the October 3, 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.

May 16, 2018

CEB2017400-HENDERSON LINDA

Posted

Complaint No. 20171204028

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). (accessory structures without permits)

Property Location: 1215 Deneece Ter, Daytona Beach 32117

Parcel No. 523705000570

Zoning: R-5

Zoning Compliance Officer - Margaret Godfrey

Property owner was first notified of the violation on Dec 4, 2017

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case.

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

CEB2018032-COLLINS ROBERT

Posted

Complaint No. 20171120042

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: 3903 Cardinal Blvd, Port Orange 32127

Parcel No. 631101020100

Zoning: R-9(S)

Zoning Compliance Coordinator – Margret Godfrey

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

*Order of Non-Compliance issued at the June 20, 2018 hearing:

*1st Amended Order of Non-Compliance issued at the July18, 2018 hearing:

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Margaret Godfrey, Compliance Officer, presented the case. The property has been posted with every order. The site and conditions remain unchanged. Staff is recommending a fine in the amount of \$50.00 per day, to commence on October 4, 2018; not to exceed \$14,000.00.

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Charles Cino, Board Attorney, asked if anyone was living there.

Margaret said no it's vacant.

After discussion and based on the testimony and evidence presented, Member Smith **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, per case with a cap of \$14,000.00 per case; to begin on October 4, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

CEB2018174-POTTER JANICE Q & BRIAN C

Served

Complaint No. 20171117018

Violation of FLORIDA BUILDING CODE SECTIONS 105.1 AND 109.3. ALL CONSTRUCTION REQUIRES BUILDING PERMIT (S) AND INSPECTION APPROVAL(S).

The aforementioned violation would require a building permit and/or inspection approvals
Property Location: 679 Yale Rd, Deland 32724

Parcel No. 702801240170

Zoning: R-3

Zoning Compliance Officer - Michael Mazzola

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

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

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

Hearing to Impose Fine/Lien

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

Michael Mazzola, Compliance Officer, presented the case. There is still no permit and the application is going through review.

Mr. Potter said that he has everything in and that he has plans for the gazebo. He said that he turned in new plans for the shed because he does use it as a greenhouse. He explained that he had landscaping and electric affidavits. Mr. Potter said it's in review at this time, but he would provide any other paperwork that staff might need additionally.

Member Zahn explained what would happen if the plans were approved.

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

May 16, 2018

CEB2018198-US BANK TRUST NA TR

Served

Complaint No. 20170727021

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/renovation)

Property Location: 2360 N Kepler Rd, Deland 32724

Parcel No. 603507000410

Zoning: R-4A

Building Compliance Officer – Christopher R Hooper

Property owner was first notified of the violation on Aug 18, 2017

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Christopher R Hooper, Compliance Officer, presented the case. There has been no additional contact with the property owner. The property was posted with the notice of hearing. Christopher said that the power appeared to be on and he believes that there are people living there. Staff is recommending an affidavit, from an electrical contractor within 10 days of this hearing and a fine in the amount of \$100.00 per day, to commence on October 4, 2018; not to exceed \$15,000.00.

Member Wild asked if it would be physically possible, to get the property owner the notice for the electrical affidavit within 10 days.

Mike Nelson, Building and Zoning Director, will be posted today or tomorrow.

Christopher said that it will be posted today.

Member Needham asked what would happen if they don't respond within 10 days.

Mr. Nelson said that the power would be disconnected.

After discussion and based on the testimony and evidence presented, Member Zahn **MOVED to issue an Order Imposing Fine/Lien in the amount of \$100.00 per day, with a cap of \$15,000.00; to begin on October 4, 2018. The board further ordered that an affidavit certifying that the electric work is safe must be submitted within 10 days of this hearing.** After Member Needham **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

May 16, 2018

CEB2018234-DILLER JOHN STANLEY

Posted

Complaint No. 20180307014

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: 955 Massachusetts Av, Cassadaga 32744

Parcel No. 810502040070 Zoning: R-4

Zoning Compliance Officer - Michael Mazzola

Property owner was first notified of the violation on April 25, 2018

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

Hearing to Impose Fine/Lien

The respondent was not present for the hearing.

Michael Mazzola, Compliance Officer, presented the case. Staff recommends a fine of \$50.00 per day, to commence on October 18, 2018; not to exceed \$5,000.00

Member Wild asked if there had been any contact with the property owner.

Michael said yes. He said every time he goes out there, he's there and he says his roof is fine.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to issue an Order Imposing Fine/Lien in the amount of \$50.00 per day, with a cap of \$5,000.00; to begin on October 18, 2018.** After Member Wright **SECONDED** the motion, it **CARRIED** unanimously by voice vote.

IX. Requests for Discussion of Fines

CEB2012002-HALL RALEIGH DUNBAR DAVID, New Owner

Served

Complaint No. 20110804013

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) at 1312 E Howry Av, Deland.

Parcel No. 701513000300 Zoning: R-4

Building & Zoning Compliance - Debbie Zechnowitz

Property owner was first notified of the violation on Aug 08, 2011

*The Enforcement Official continued this case from the March 21, 2012 hearing:

*Order of Non - Compliance issued at the April 18, 2012 hearing:

*1st Amended Order of Non-Compliance issued at the July 18, 2012 hearing:

*Final Order Imposing Fine Lien issued at the August 15, 2012 hearing:

*A Report and Affidavit of Compliance was submitted with a compliance date of April 26, 2017:

May 16, 2018

* Order of Compliance was issued at the Sep 5, 2018 hearing;
Request for Discussion of Fine/Lien of \$83,950.00

The respondent was present for the hearing. The respondent gave his name and address for the record. He explained that the process was a five year process; from April of 2012 to April of 2017.

Kerry Leuzinger, Chief Building Official, presented the case. He said that the case started back in June of 2011. It involved work without permit; new roofing, framing, siding, windows, electrical, plumbing and HVAC. The Order of Compliance was just approved a few minutes ago. At this point the lien has accumulated to, \$83, 950.00. A typical recommendation on something like this, is to reduce it to 10%. Our recommendation is to reduce the fine to \$8,395.00.

Member Wild asked if all the work was done at the same time and it just took a long time to go through the process of after-the fact permits.

Mr. Dunbar said that he bought the house back in 2012 and there was a drug dealer living there. He said that he was stealing electricity. Mr. Dunbar said that when he went to fix the electric problem and while he was out, an inspector hit him with every fine. The inspector said that the house didn't have the right electrical, plumbing etc. He said it was his fault because he bought the house and it had multiple code infractions. He explained that he got the required affidavits and then they got to the part about the building being bad. He said that he had an engineer come out, but there were problems with the carport.

Mr. Dunbar said that he went to a contractor, who said that it would be \$10,000.00. He said that he didn't have any money because he spent it on the house. He said because he couldn't get the contractor that he owner-financed it to a guy that he knew, named Raleigh Hall. He said that his name was on there, but it's off now because he died in the process. Mr. Hall moved in there with his mom and said that he could do the work; his mom was sick and he couldn't do as much of the work. Mr. Hall just needed a place to stay. Mr. Dunbar said that he planned on getting rent from Mr. Hall and that they both planned on doing the work. He said that he and Mr. Hall were going through money troubles. Mr. Dunbar said that Mr. Hall didn't have the money to pay the rent, so he ended up getting the house back. Mr. Dunbar said that he put the house back in his name, right before Mr. Hall died in a motorcycle accident.

Mr. Dunbar explained that throughout the whole process, there was a lack of funds. He said there was also a lack of experience because he got a house that was more than he could handle. He said that he knows the fines are good. He said that \$8,000.00 is still a lot because I have zero.

May 16, 2018

Member Needham asked Mr. Leuzinger if there was any unusual effort made in this case to enforce it.

Mr. Leuzinger said because the case is so old, I'm not as familiar with it as others that would be newer; I've only been here a few years. He said that code officer that handled it, is not here today. He said it just took a long time.

Member Needham said that Mr. Dunbar has attested to the fact, that he's very happy with the way he's been treated. From the county's standpoint, how were his efforts? In your estimation, did he do the best that he could?

Mr. Nelson said to clarify, it actually came into compliance April 26, 2017; it didn't automatically come to the board to get an Order of Compliance. So even though, the board just approved the Order of Compliance at this hearing; the permit was finalized, so it's more of a retroactive Order of Compliance. You can knock just a little bit over a year, off the time. He said this is really just the board's feeling on it; we've had cases in the past where people have worked as hard as they could, I don't think we have a problem if the board wants to go to zero. He said we start out with a recommendation and then it's the board's call.

After discussion and based on the testimony and evidence presented, Member Needham **MOVED to reduce the fine/lien to zero.** 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.

May 16, 2018

Respectfully submitted,

Meghan Lindsey
Code Enforcement Board Clerk

May 16, 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.

**Meghan Lindsey
Code Board Clerk**

May 16, 2018