

CITY OF DeBARY
REGULAR CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, NOVEMBER 8, 2006
6:00 P.M., Florence K. Little Town Hall
12 COLOMBA ROAD, DeBARY, FLORIDA

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. ADOPTION OF MINUTES

1. Regular Code Enforcement Board hearing of September 13, 2006

IV. ASSIGN NEW MEETING DATE FOR JANUARY, 2007

V. UNFINISHED BUSINESS:

1. **DEB-03-037 – RIVERSIDE CONDO (DEBARY)** **[Posted]**
Complaint No. 030915007
Violation of City of DeBary Code of Ordinance 58-84, City of DeBary Standard Building Code Section 3401.6 for an unsafe and dilapidated structure at 313 Dirksen Drive in DeBary.
(Building Division – Tom Reynolds)
*The Enforcement Official continued this case from the November 12, 2003, hearing;
*Order of Non-Compliance issued at the January 14, 2004, hearing;
*Order Imposing Fine/Lien issued at the May 12, 2004, hearing;
*Report & Affidavit of Compliance was issued with a compliance date of September 17, 2004;
*Order of Compliance issued at the November 10, 2004, hearing;
*Settlement Agreement dated July 8, 2005, negotiated between City of DeBary & Riverside Condominium;
*Fine paid in full;
Order Dismissing, Satisfying & Releasing Fine/Lien
2. **DEB-03-040 – SHARPE, Louise R. & Van B. Land Partners Inc.** **[Posted]**
Complaint No. 031107012
Violation of City of DeBary Code of Ordinance 98-8, Section 22-32, Standard Building Code Sections 104.1.1 and 105.6 for construction without the required building permits and inspection approvals at 462 Fort Florida Road in DeBary.
(Building Division – Dave Hooker)
*Order of Non-Compliance and Order Imposing Fine/Lien issued at the March 10, 2004, hearing;
*Report & Affidavit of Compliance was issued with a compliance date of July 7, 2006;
*Order of Compliance issued at the September 13, 2006, hearing;
*City Council approved a reduction of fine to \$10,000.00, payable by November 4, 2006;
*Fine in the amount of \$10,000.00 paid in full;
Order Dismissing, Satisfying & Releasing Fine/Lien
3. **DEB-05-026 – ALTMAN, Gary D.** **[Served]**
Complaint No. 050303030
Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Section 808.06 for illegal

access over landscape buffer and parking on landscape buffer at 5 Sanctuary Avenue in DeBary.

(Zoning Compliance – Debbie Waggoner)

- *Order of Non-Compliance issued at the July 13, 2005, hearing;
- *1st Amended Order of Non-Compliance issued at the September 14, 2005;
- *2nd Amended Order of Non-Compliance issued at the November 9, 2005, hearing;
- *3rd Amended Order of Non-Compliance issued at the March 8, 2006, hearing;
- *Order Imposing Fine/Lien issued at the July 12, 2006, hearing;
- *Report & Affidavit of Compliance was issued with a compliance date of July 12, 2006;
- *Order of Compliance issued at the September 13, 2006, hearing;

Order Dismissing & Releasing Fine/Lien

4. **DEB-06-017 – JEKOVICH, David J.** [Served]

REPEAT VIOLATION

Complaint No. 060316008

Violation of City of DeBary Ordinance 80-8, as amended, Article VII, Section R-4 for having a junkyard where not permitted at 247 Toms Road in DeBary.

(Zoning Compliance – Debbie Waggoner)

- *Order of Non-Compliance and Order Imposing Fine/Lien issued at the May 10, 2006, hearing;
- *Report & Affidavit of Compliance was issued with a compliance date of June 1, 2006;
- *Order of Compliance issued at the July 12, 2006, hearing;
- *City Council approved reduction of fine to \$3,372.34 for both cases;
- *Fine in the amount of \$3,372.34 paid in full;

Order Dismissing, Satisfying & Releasing Fine/Lien

5. **DEB-06-018– JEKOVICH, David J.** [Served]

REPEAT VIOLATION

Complaint No. 060316013

Violation of City of DeBary Ordinance 80-8, as amended, Article VII, Section R-4 for having a business where not permitted at 247 Toms Road in DeBary.

(Zoning Compliance – Debbie Waggoner)

- *Order of Non-Compliance and Order Imposing Fine/Lien issued at the May 10, 2006, hearing;
- *Report & Affidavit of Compliance was issued with a compliance date of June 1, 2006;
- *Order of Compliance issued at the July 12, 2006, hearing;
- *City Council approved reduction of fine to \$3,372.34 for both cases;
- *Fine in the amount of \$3,372.34 paid in full;

Order Dismissing, Satisfying & Releasing Fine/Lien

6. **DEB-06-030 – MISSIONARIES OF HOPE INC.** [Served]

Marcelo R. Anayas, Registered Agent

Complaint No. 060705088

Violation of City of DeBary Ordinance 80-8, as amended, Article XI, Section 1104.00 F for a violation of the special exception conditions at 74 S. US Highway 17-92 in DeBary.

(Zoning Compliance – Debbie Waggoner)

- *Order of Non-Compliance and Order Imposing Fine/Lien issued at the September 13, 2006, hearing;

Progress Report

7. **DEB-06-043 – SANABRIA, Ismael A.** [Served]

Complaint No. 060714001

Violation of City of DeBary Code of Ordinance 58-84, Florida Building Code Section 3401.6 for an unsafe and dilapidated building at 10 Darosa Avenue in DeBary.

(Building Division – Dave Hooker)

- *Order of Non-Compliance and Order Imposing Fine/Lien issued at the September 13, 2006, hearing;
- *Property ordered by the Board to be secured within ten (10) working days of hearing or a fine of \$50.00 per day would start on September 28, 2006;
- *Report & Affidavit of Compliance was issued with a compliance date of September 25, 2006;

Order of Compliance

Order Dismissing & Releasing Fine/Lien

VI. HEARINGS AND PRESENTATION OF FILED NOTICES OF VIOLATIONS:

1. **DEB-05-004 – DYESS, JR., Donald W.** **[Served]**
 Complaint No. 040511003
 Violation of City of DeBary Code of Ordinances, Section 22.32 - Florida Building Code, Sections 104.1.1 and 105.6, for construction for which the required building permit(s) and inspection approvals have not been obtained or maintained at 161 Oak Tree Drive in DeBary.
(Building Division – Dave Hooker)
 *The Enforcement Official continued this case from the May 11, 2005, hearing;
 *The Enforcement Official continued this case from the November 9, 2005, hearing;
 *The Enforcement Official continued this case from the January 11, 2006, hearing;
 *The Enforcement Official continued this case from the March 8, 2006, hearing;
 *The Enforcement Official continued this case from the September 13, 2006, hearing;

2. **DEB-06-036 – SEDOR, Jennifer S.** **[Served]**
 Complaint No. 051101015
 Violation of City of DeBary Code of Ordinances, Section 22.32 - Florida Building Code Sections 104.1.1 and 105.6, for construction for which the required building permit(s) and inspection approvals have not been obtained or maintained at 150 Homestead Avenue in DeBary.
(Building Division – Dave Hooker)
 *The Enforcement Official continued this case from the September 13, 2006, hearing;

3. **DEB-06-039 – SALYERS, Shannon M.** **[Served]**
 Complaint No. 050603103
 Violation of City of DeBary Code of Ordinances, Section 22.32 - Florida Building Code Sections 104.1.1 and 105.6, for construction for which the required building permit(s) and inspection approvals have not been obtained or maintained at 46 Pinehill Road in DeBary.
(Building Division – Dave Hooker)

4. **DEB-06-040 – ALLEN, Larry** **[Served]**
 Complaint No. 051027064
 Violation of City of DeBary Code of Ordinances, Section 22.32 - Florida Building Code Sections 104.1.1 and 105.6, for construction for which the required building permit(s) and inspection approvals have not been obtained or maintained at 10 Buckley Drive in DeBary.
(Building Division – Dave Hooker)

5. **DEB-06-041 – WHITE, William D. & WHITE, Theresa M.** **[Served]**
 Complaint No. 060705003
 Violation of Volusia County Ordinance 80-8, as amended, Article VIII, Section 811.01, for parking a truck tractor, semi trailer, commercial bus, cutaway van, or chassis cab truck where not permitted at 16 Floridana Drive in DeBary.
(Zoning Compliance – Debbie Waggoner)

6. **DEB-06-047** – **TOKMAN, Jeffrey L. & Janien M.** **[Served]**
Complaint No. 060531003
Violation of City of DeBary Code of Ordinances, Section 22.32 - Florida Building Code, Sections 104.1.1 and 105.6, for construction for which the required building permit(s) and inspection approvals have not been obtained or maintained at the corner of 17-92 in DeBary.
(Zoning Compliance – Debbie Waggoner)

7. **DEB-06-051** – **REMELIUS, Mary F. Estate & REMELIUS, James R. & Michael** **[Sheriff Served]**
Complaint No. 060425024
Violation of City of DeBary Ordinance 80-8, as amended, Article VII, Section R-4 for having a junkyard where not permitted at 126 Eldorado Drive in DeBary.
(Zoning Compliance – Debbie Waggoner)

8. **DEB-06-054** – **READING EDGE ACADEMY INC.** **[Served]**
Margaret Comardo, Registered Agent **[Served]**
Complaint No. 060202070
Violation of City of DeBary Land Development Code Section 505, Article I for trees removed without a permit at 2975 Enterprise Road in DeBary.
(Environmental Management – Ginger Martin Adair)

9. **DEB-06-055** – **RUSS, Clifford J. & Mindy O.** **[Sheriff Served]**
Complaint No. 060802090
Violation of City of DeBary Code of Ordinance, Chapter 30, Article III, Section 30-103 and 30-104 for vehicle(s) that is inoperative and/or without current license tag at 114 Naranja Road in DeBary.
(Zoning Compliance – Phil Solano)

10. **DEB-06-056** – **RUSS, Clifford J. & Mindy O.** **[Sheriff Served]**
Complaint No. 060802091
Violation of City of DeBary Code of Ordinance 80-8, as amended, Article VIII, Section 811.03 for parking motor vehicle(s) on front yard other than on driveway at 114 Naranja Road in DeBary.
(Zoning Compliance – Phil Solano)

11. **DEB-06-057** – **RUSS, Clifford J. & Mindy O.** **[Sheriff Served]**
Complaint No. 060802092
Violation of City of DeBary Code of Ordinance 80-8, as amended, Article VII, Section R-4 for having a auto repair, construction business, workers, deliveries, etc., where not allowed in present zoning at 114 Naranja Road in DeBary.
(Zoning Compliance – Phil Solano)

12. **DEB-06-058** – **RUSS, Clifford J. & Mindy O.** **[Sheriff Served]**
Complaint No. 060802093
Violation of City of DeBary Code of Ordinance 80-8, as amended, Article VIII, Section 811.02 and 811.021 for having a trailer improperly parked at 114 Naranja Road in DeBary.
(Zoning Compliance – Phil Solano)

13. **DEB-06-059** – **RUSS, Clifford J. & Mindy O.** **[Sheriff Served]**

Complaint No. 060802095

Violation of City of DeBary Code of Ordinance 80-8, as amended, Article VII, Section R-4 for storage of equipment, vehicles, supplies, deliveries, etc., where not allowed in present zoning at 114 Naranja Road in DeBary.

(Zoning Compliance – Phil Solano)

14. **DEB-06-060 – RUSS, Clifford J. & Mindy O.** **[Sheriff Served]**

Complaint No. 060802096

Violation of City of DeBary Code of Ordinance 80-8, as amended, Article VII, Section R-4 for having a junkyard where not permitted at 114 Naranja Road in DeBary.

(Zoning Compliance – Phil Solano)

15. **DEB-06-061 – MCGOWAN, Carol L.** **[Served]**

Complaint No. 060802097

Violation of City of DeBary Code of Ordinance 80-8, as amended, Article VII, Section R-4 for having a junkyard where not permitted at 237 Eldorado Drive in DeBary.

(Zoning Compliance – Phil Solano)

16. **DEB-06-062 – MCGOWAN, Carol L.** **[Served]**

Complaint No. 060802098

Violation of City of DeBary Code of Ordinance 80-8, as amended, Article VIII, Section 811.03 for parking motor vehicle(s) on front yard other than on driveway at 237 Eldorado Drive in DeBary.

(Zoning Compliance – Phil Solano)

17. **DEB-06-063 – MCGOWAN, Carol L.** **[Served]**

Complaint No. 060802099

Violation of City of DeBary Code of Ordinance, Chapter 30, Article III, Sections 30-103 and 30-104 for vehicle(s) that in operative and/or without current license tag at 237 Eldorado Drive in DeBary.

(Zoning Compliance – Phil Solano)

18. **DEB-06-064 – BROWN, David M. & Vicki L.** **[Served]**

Complaint No. 060714119

Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Section 811.02 and 811.021 for having a boat and/or trailer improperly parked at 98 Sundown Road in DeBary.

(Zoning Compliance – Phil Solano)

19. **DEB-06-065 – BROWN, David M. & Vicki L.** **[Served]**

Complaint No. 060714120

Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Section 811.02 for maintaining a R/V, boat and/or trailer without current tags/validation sticker at 98 Sundown Road in DeBary.

(Zoning Compliance – Phil Solano)

20. **DEB-06-066 – AMSEN, Gary K.** **[Served]**

Complaint No. 060815052

Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Sections 811.02 and 811.021 for having a boat and/or trailer improperly parked at 15 Lake Drive in DeBary.

(Zoning Compliance – Phil Solano)

21. **DEB-06-067 – AMSEN, Gary K.** [Served]
Complaint No. 060815053
Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Sections 811.02 for maintaining a R/V, boat and/or trailer without current tags/validation sticker at 15 Lake Drive in DeBary.
(Zoning Compliance – Phil Solano)
22. **DEB-06-068 – AMSEN, Gary K.** [Served]
Complaint No. 060815054
Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Sections 811.02 and 811.021 for having a trailer improperly parked at 15 Lake Drive in DeBary.
(Zoning Compliance – Phil Solano)
23. **DEB-06-070 – STENE, Branden & DINKELOO, Heather** [Served]
Complaint No. 060808042
Violation of City of DeBary Code of Ordinance 80-8 as amended, Article VII, Section R-1 for having a junkyard where not permitted at 414 Fort Florida Road in DeBary.
(Zoning Compliance – Debbie Waggoner)
24. **DEB-06-074 – HELMICK, Ronald L. & Debra L.** [Sheriff Served]
Complaint No. 060811078
Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Section 811.01 for parking a truck tractor, semi trailer, commercial bus, cutaway van, or chassis cab truck where not permitted at 244 Clara Vista Street in DeBary.
(Zoning Compliance – Phil Solano)
25. **DEB-06-075 – HELMICK, Ronald L. & Debra L.** [Sheriff Served]
Complaint No. 060811086
Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Section 811.03 for parking motor vehicle(s) on front yard other than on driveway at 244 Clara Vista Street in DeBary.
(Zoning Compliance – Phil Solano)
26. **DEB-06-076 – MANTZ, Jr., William Lofstrand** []
Complaint No. 060915075
Violation of City of DeBary Ordinance, Chapter 14, Article IX, Section 14-201 for not posting assigned building address numbers at 12 DeBary Drive in DeBary.
(Zoning Compliance – Phil Solano)

VII. REQUEST TO HAVE CASE GO BEFORE CITY COUNCIL TO DISCUSS FINE/LIEN

1. **DEB-03-033 – JACKSON, John E.** [Served]
Complaint No. 030604030
Violation of City of DeBary Code of Ordinance 98-8, Section 22-32, Standard Building Code Sections 104.1.1 and 105.6 for construction without the required building permit(s) and inspection approvals at 139 Caracas Road in DeBary.
(Building Division – Dave Hooker)

*The Enforcement Official continued this case from the November 12, 2003, hearing;

*Order of Non-Compliance and Order Imposing Fine/Lien issued at the January 14, 2004, hearing;
*Report & Affidavit of Compliance was issued with a compliance date of March 17, 2006;
*Order of Compliance issued at the September 13, 2006, hearing;

Fine/Lien - \$77,200.00

2. **DEB-05-023 – ALTMAN, Gary D.** **[Served]**

Complaint No. 050426125

Violation of City of DeBary Ordinance 80-8, as amended, Article VII, Section B-5 for violating the approved Site Plan at 5 Sanctuary Avenue in DeBary.

(Zoning Compliance – Debbie Waggoner)

*Order of Non-Compliance issued at the July 13, 2005, hearing;
*1st Amended Order of Non-Compliance issued at the September 14, 2005, hearing;
*2nd Amended Order of Non-Compliance issued at the November 9, 2005, hearing;
*3rd Amended Order of Non-Compliance issued at the March 8, 2006, hearing;
*Order Imposing Fine/Lien issued at the July 12, 2006, hearing;
*Report & Affidavit of Compliance was issued with a compliance date of August 4, 2006;
*Order of Compliance issued at the September 13, 2006, hearing;

Fine/Lien - \$5,500.00

VIII. NEW BUSINESS:

1. Tally Sheets
2. As Entertained by Chairman
3. As Entertained by Board Attorney
4. As Entertained by Staff Attorney
5. As Entertained by Staff

IX. ADJOURNMENT:

If any person decides to appeal any decision made by the Code Enforcement Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105).

Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations at this public hearing should contact DeBary City Hall, 137 S. U.S. Highway 17-92, DeBary, Florida, 32713; (407) 668-2040, at least five (5) working days prior to the meeting date and time.