

CITY OF DeBARY
REGULAR CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, November 9, 2005
6:00 P.M., Florence K. Little Town Hall
12 Colomba Road, DeBary, Florida

MINUTES

CALL TO ORDER

Chairman Don Pulver called the meeting to order at 6:00 P.M.

ROLL CALL

Present: Jack Lenzen, Chairman Don Pulver, Bob Rini, Marcia Becker, Robert Duncan, Rosemary Obenland, and John Harvey

Absent: Greg France

City Staff: City Planner Anita Gonzalez and Assistant City Attorney Dan Langley

County Staff: Tammy Proulx, Debbie Waggoner, and Dave Hooker

Ms. Gonzalez introduced new alternate member John Harvey and swore him in.

ADOPTION OF MINUTES

The minutes of the regular Code Enforcement Board hearing of September 14, 2005, were presented for adoption. Mr. Duncan moved to accept the minutes as presented. Mr. Rini seconded the motion. All members voted to approve the motion.

Witnesses Sworn In:

City Planner Anita Gonzalez swore in all witnesses who intended to testify.

UNFINISHED BUSINESS:

1. **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;
Hearing to Impose Fine/Lien

2. **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;

Hearing to Impose Fine/Lien

Debbie Waggoner, Code Compliance Officer, explained that the owner has been working with an engineer, Harry Wild, to make revisions to the site plan and needs additional time for both cases. Ms. Waggoner recommended that the Board amend the Order of Non-Compliance for DEB-05-023 and DEB-05-026 to change the compliance date to March 8, 2006.

Mr. Lenzen voiced his disapproval of the owner not complying with his previously approved site plan.

Ms. Becker made a motion to amend the 1st Amended Order of Non-Compliance for DEB-05-023 and DEB-05-026 to change the compliance date from 9/14/05 to 3/7/06. Mr. Duncan seconded. The motion carried unanimously.

Ms. Becker made a motion to continue the hearing to impose fine/lien for DEB-05-023 and DEB-05-026 to March 8, 2006. Mr. Harvey seconded. The motion carried unanimously.

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;

Chairman Pulver informed the Board that the case has been continued.

2. **DEB-05-036 – LYON, Robert S.** [Served]
Complaint No. 040618039
Violation of City of DeBary Code of Ordinances, 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 238 Colomba Road in DeBary.
(Building Division – Dave Hooker)

Dave Hooker, Code Compliance Officer, explained the case and photographs involving a carport being enclosed as a room without a permit. Mr. Hooker recommended that the property be found in non-compliance, and a fine be imposed after ten days.

The owner of the property, Robert Lyon, stated that he had replaced storm damaged windows and finished the work that his uncle had began a few years ago, before his uncle died. He said that the County Building Department had told him that he did not need a permit to replace storm-damaged windows.

Mr. Rini made a motion to find the property in non-compliance and for the owner to secure the appropriate building permits by March 8, 2006. Ms. Obenland seconded the motion. The motion carried unanimously.

3. **DEB-05-037 – GREEN, Mitchell** [Served]
Complaint No. 050825039
Violation of City of DeBary Code of Ordinances, 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 69 Crystal Drive in DeBary.
(Building Division – Dave Hooker)

Chairman Pulver informed the Board that the case has been continued.

4. **DEB-05-051 – BAUERLE, Donald C.** [Served]
Complaint No. 051026014
Violation of City of DeBary Code of Ordinances, 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 488 West Highbanks Road in DeBary.
(Zoning Compliance – Debbie Waggoner)

Chairman Pulver informed the Board that the case has been continued.

5. **DEB-05-052 – BAUERLE, Donald C.** [Served]
Complaint No. 051026095
Violation of City of DeBary Code of Ordinances, 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 488 West Highbanks Road in DeBary.
(Zoning Compliance – Debbie Waggoner)

Chairman Pulver informed the Board that the case has been continued.

REQUESTS FOR DISCUSSION OF ACCUMULATED FINES:

- DEB-02-040 - LUIZ, JR., Jose V.** [Served]
Complaint No. 020415002
Violation of City of DeBary Code of Ordinances, Chapter 14, Buildings and Building Regulations, Article II, Section 22.32 - Standard Building Code, 1997 Edition, 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 Margarita Road in DeBary.
(Building Division – Dave Hooker)

*Order of Non-Compliance issued at the November 13, 2002, hearing;

*Order Imposing Fine/Lien issued at the January 15, 2005, hearing;

*Report & Affidavit of Compliance was issued with a compliance date of September 27, 2005;

Order of Compliance

Request for Discussion of Fine/Lien - \$49,250.00

Mr. Hooker gave the Board an overview of the case and stated that the property was in compliance as of September 27, 2005. Jose Luiz, owner of the property, explained the course of events that transpired that resulted in the lien being placed on his property.

Ms. Obenland made a motion to find the property in compliance in the case of DEB-02-040. Mr. Rini seconded the motion. The motion carried unanimously.

Mr. Rini asked Ms. Gonzalez what the case cost the City and County staff. Ms. Gonzalez answered that she did not know the exact costs, but there were filing fees, postage for certified letters, clerical time, and technical staff time to consider. Mr. Rini made a motion to recommend reduction of the lien to the actual staff costs incurred in the case. Ms. Obenland seconded the motion. The motion passed 5-2 with Mr. Harvey and Chairman Pulver dissenting.

NEW BUSINESS:

1. Tally Sheets

Ms. Obenland noted that there were a few errors on the tally sheets. Ms. Gonzalez said that she would ask County staff to review them and make the necessary changes.

2. As Entertained by Chairman

3. As Entertained by Board Attorney and City of DeBary

DEB-05-034 – BAUERLE, SR., Donald C. TR

[Served]

Complaint No. 050609082

Violation of City of DeBary Code of Ordinance, 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 488 Highbanks Road in DeBary.

(Zoning Compliance – Debbie Waggoner)

*Order of Non-Compliance and Order Imposing Fine/Lien Issued at the September 14, 2005, hearing;

Discussion of Amendment to Order By Board Attorney and the City of DeBary

Chairman Pulver informed the Board that the case has been continued. Ms. Gonzalez asked Chairman Pulver if the Board could make a motion covering all five continued cases. Mr. Lenzen made a motion to continue DEB-05-004, DEB-05-037, DEB-05-051, DEB-05-052, and DEB-05-034 to January 11, 2006. Mr. Rini seconded the motion. The motion carried unanimously.

4. As Entertained by Staff Attorney

Mr. Langley updated the Board on the Duvall case. He said that the City is in litigation to collect the fines on the code enforcement cases, and the City has a final judgment against Mr. Duvall.

Mr. Langley informed the Board that Home Lender's Trust paid the lien in its entirety on 249 Toms Road. He also noted that Riverside Condominium Association is currently making monthly

payments to the City on its code enforcement lien.

5. As Entertained by Staff

ADJOURNMENT

The meeting adjourned at 7:05 P.M.

**APPROVED January 11, 2006
CITY OF DeBARY
CODE ENFORCEMENT BOARD**

Don Pulver, Chairman