

CITY OF DeBARY
REGULAR CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, January 11, 2006
6:00 P.M., Florence K. Little Town Hall
12 Colomba Road, DeBary, Florida

MINUTES

CALL TO ORDER

Vice-Chair Rosemary Obenland called the meeting to order at 6:00 P.M.

ROLL CALL

Present: Rick Dwyer, Bob Rini, Marcia Becker, Robert Duncan, Vice-Chair Rosemary Obenland, and John Harvey

Absent: Chairman Don Pulver, excused

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

County Staff: Tammy Proulx, Debbie Waggoner, Dave Hooker, Carol Kerrigan, Bryan Jiles, and Brant Kruger

Ms. Gonzalez swore in new regular members John Harvey, Robert Duncan, and Rick Dwyer.

ADOPTION OF MINUTES

The minutes of the regular Code Enforcement Board hearing of November 9, 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.

HEARINGS AND PRESENTATION OF FILED NOTICES OF VIOLATIONS

1. **DEB-05-035 – BIG JOHN** **[Sheriff Served]**
Complaint No. 050302017
Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Sections 811.02 and 811.03 for a trailer that is improperly parked at 123 Highland Avenue in DeBary.
(Zoning Compliance – Tammy Proulx)

Vice-Chair Obenland informed the Board that the case was withdrawn.

2. **DEB-05-043 – QUINONES, Julio C. & Marian C.** **[Served]**

Complaint No. 050819017

Violation of City of DeBary Code of Ordinances, Chapter 13, Article III, Section 30-103 and 30-104, for junked, wrecked or abandoned vehicle(s) that is inoperative and/or without current license tag at 109 Juan Road in DeBary.

(Zoning Compliance – Tammy Proulx)

Vice-Chair Obenland informed the Board that the case was withdrawn.

3. **DEB-05-048 – ALTMAN, Gary D.** [Served]

Complaint No. 050722022

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 5 Sanctuary Avenue in DeBary.

(Building Division – Dave Hooker)

Vice-Chair Obenland informed the Board that the case was withdrawn.

4. **DEB-05-049 – DEBARY VILLAS LTD.** [Served]

Susan Adams, Registered Agent [Served]

Complaint No. 050810009

Violation of City of DeBary Code of Ordinance 58-84, Florida Building Code Section 3401.6 for an unsafe and dilapidated building at 19 South Woodberry Drive in DeBary.

(Building Division – Dave Hooker)

Dave Hooker, Building Code Compliance Officer, explained that the case involved damaged vinyl siding and presented pictures of the buildings to the Board. He stated that the permit was issued January 5, 2006; that the permit would be valid for six months; and that he recommends the Board issue an order of non-compliance and allow six months for the completion of the work.

Mr. Rini made a motion to find the property in non-compliance and impose a fine of \$250 per day if not in compliance by July 12, 2006. Mr. Duncan seconded the motion. The motion passed unanimously.

5. **DEB-05-050 – OLVER, Debby G. & Benjamin** [Served]

Complaint No. 050728048

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 293 Colomba Road in DeBary.

(Building Division – Dave Hooker)

Mr. Hooker stated that the owner is out of town, and recommended a continuance. Mr. Rini made a motion to postpone the hearing of the case until the March meeting. Mr. Harvey seconded. The motion passed unanimously.

6. **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)

*The Enforcement Official continued this case from the November 9, 2005, hearing;

7. **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)

*The Enforcement Official continued this case from the November 9, 2005, hearing;

Debbie Waggoner, Zoning Code Compliance Officer, asked the Board if they would hear DEB-05-051 and DEB-05-052 together. Mark Watts, attorney for the owner, stated he had no objection to the request. Ms. Waggoner handed out the pictures for both cases to the Board. Mr. Langley asked Ms. Waggoner if the pictures referenced any lots included in the prior cases, which have an order of non-compliance against them. She answered that they did not.

Ms. Waggoner described the various pictures of violations to the Board as requested by Mr. Langley. She stated that she went through all of the old permit files on microfiche to ensure that all of the lots referenced in the two cases did not have valid permits.

Mr. Watts addressed the Board and stated that there are building permit violations that cannot be resolved due to a zoning interpretation that does not allow permits to be issued for temporary structures. He said that the City Council would consider his appeal of the zoning interpretation on January 18th.

Vice-Chair Obenland stated that since the Board has already found the property in non-compliance, they really have nothing to add. Mr. Langley said that from a monetary standpoint she is correct, but from a procedural standpoint, all of the violations need to be on the record.

Scott Selis, attorney for the Riverbluff Homeowner's Association, stated that the condition of the campground has diminished his clients' property values.

Mr. Rini made a motion to find the property in non-compliance for cases DEB-05-051 and DEB-05-052, and order that the property come into compliance within sixty days. Mr. Harvey seconded. The motion passed unanimously.

8. **DEB-05-056 – VARNEY, Larry A.** [Sheriff Served]

Complaint No. 050923012

Violation of City of DeBary Code of Ordinances, Chapter 13, Article III, Section 30-103 and 30-104, for junked, wrecked or abandoned vehicle(s) that is inoperative and/or without current license tag at 215 Clara Vista Street in DeBary.

(Zoning Compliance – Tammy Proulx)

Complaint No. 031025086

Violation of City of DeBary Code of Ordinances, Section 22.32 - Standard Building Code Sections 105.4 and 106.1.1, for construction for which the required inspection approvals have not been obtained at 39 Hazelwood Road in DeBary.

(Building Division – Dave Hooker)

Vice-Chair Obenland informed the Board that the case was withdrawn.

14. **DEB-05-064 – EDDINGS, Stephanie A.** [Served]

Complaint No. 031025115

Violation of City of DeBary Code of Ordinances, Section 22.32 - Standard Building Code Sections 105.4 and 106.1.1, for construction for which the required inspection approvals have not been obtained at 23 Ranch Trail Road in DeBary.

(Building Division – Dave Hooker)

Vice-Chair Obenland informed the Board that the case was withdrawn.

15. **DEB-05-065 – MADDEN, James G. & MADDEN, Graham P.** [Served]

Complaint No. 050901048

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 at 113 Bonita Road in DeBary.

(Building Division – Dave Hooker)

Mr. Hooker stated that staff received a complaint regarding a shed being placed in the front yard. He said that the owner had obtained a permit, and it was signed off in error by an independent inspector contracted by the County. Mr. Hooker said that the owner failed to maintain the 25-foot setback and was told the shed had to be moved behind the 25 foot front yard setback line.

Mr. Madden, property owner, stated that he erected the shed 31 feet from the front property line and five feet from the side lot line; that he has no room in the side yards to erect a shed due to space limitations; and that his back yard is flooded so he cannot place a shed there either. Mr. Rini made a motion to continue the case until the March meeting. Mr. Duncan seconded the motion. The motion passed unanimously. Mr. Rini suggested that the distance from the shed to the front property line be measured in the interim.

16. **DEB-05-066 – OGLE, Kevin L.** [Posted]

Complaint No. 050629001

Violation of City of DeBary Code of Ordinances, Volusia County Land Development Code Ordinance 88-3, Article XI, Section 1104 for altering a Volusia County Jurisdictional Wetland without a permit at 123 Bonita Road in DeBary.

(Environmental Management – Brant Kruger)

Ms. Gonzalez swore in Brant Kruger, with Volusia County Environmental Management, and Kevin Ogle, property owner. Mr. Kruger gave the Board a brief summary of the case and said that the owner had made significant progress, but still needed to entrench the silt fence. He requested that

the owner complete this action and sign a notarized statement that he would not alter the wetland buffer in any manner in the future.

Kevin Ogle, property owner, explained the course of events that led to his appearance before the Board. Mr. Langley suggested that Mr. Kruger contact him regarding the notarized statement.

Mr. Rini made a motion to continue the case until the March 8th meeting. Mrs. Becker seconded the motion. The motion passed unanimously.

UNFINISHED BUSINESS:

1. **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 issued at the November 9, 2005;

*Amended Order Imposing Fine/Lien issued by the City Council on December 7, 2005;

*Fine in the amount of \$502.23 paid on January 5, 2006;

Order Dismissing, Satisfying & Releasing Fine/Lien

Ms. Gonzalez informed the Board that the fine was paid by the owner to satisfy the lien. Vice-Chair Obenland made a motion to issue an order dismissing and releasing the lien. Mr. Duncan seconded. The motion passed unanimously.

NEW BUSINESS:

1. Tally Sheets
2. As Entertained by Chairman
3. As Entertained by Board Attorney and City of DeBary

Mr. Langley gave the Board an overview of the Sunshine Law.

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;

*The City of DeBary continued this case from the November 9, 2005, hearing;

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

Mr. Langley stated that he would like a motion to amend the order for DEB-05-034 to delete those lots contained in DEB-05-051. Mr. Duncan made the motion and Mr. Rini seconded. The motion passed unanimously.

4. As Entertained by Staff Attorney
5. As Entertained by Staff

ADJOURNMENT

The meeting adjourned at 7:45 P.M.

**APPROVED March 8, 2006
CITY OF DeBARY
CODE ENFORCEMENT BOARD**

Rosemary Obenland, Vice-Chair