

CITY OF DeBary
REGULAR CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, May 10, 2006
6:00 P.M., Florence K. Little Town Hall
12 COLOMBA ROAD, DeBARY, FLORIDA

MINUTES

I. CALL TO ORDER

Chair Don Pulver called the meeting to order at 6:00 p.m.

II. ROLL CALL

Present: Chairman Don Pulver, Rick Dwyer, Marcia Becker, Bob Rini, Robert Duncan, John Harvey, Gertrude DeSantis, and Dave Mendenhall

Absent: Vice-Chair Rosemary Obenland

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

County Staff: Debbie Waggoner, Dave Hooker, Bryan Jiles, Ginger Martin, Phil Solano, and Bryan Jiles

Ms. Gonzalez swore in new alternate member Dave Mendenhall.

III. ADOPTION OF MINUTES

The minutes of the regular Code Enforcement Board hearing of March 8, 2006, were presented for adoption. Ms. Becker requested an addition to DEB-05-065 that there was a finding of fact that there was a permit, there was an inspection, and the property was in compliance. Mr. Rini moved to accept the minutes as amended. Mr. Harvey seconded the motion. The motion passed unanimously.

Witnesses Sworn In:

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

IV. UNFINISHED BUSINESS:

1. **DEB-99-011 - PEREZ, Juan & Iris** **[Posted]**
Complaint No. 980213060
Violation of City of DeBary Ordinance 80-8, as amended, Article VII, Section R-4, for a junkyard where not permitted at 22 Naranja Road in DeBary.
(Zoning Compliance - Phil Solano)
*Order of Non-Compliance and Order Imposing Fine/Lien issued at the April 14, 1999, hearing;
*Report & Affidavit of Compliance was issued with a compliance date of April 17, 2006;
Order of Compliance

Debbie Waggoner, Zoning Code Compliance Officer, stated that the property was in compliance on

April 17, 2006, and requested that the Board issue an Order of Compliance. Mr. Rini made a motion to approve the Order, and Mr. Duncan seconded. The motion passed unanimously.

2. **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)

*Report & Affidavit of Compliance was issued with a compliance date of February 3, 2006;

Order of Compliance

Order Dismissing & Releasing Fine/Lien

Dave Hooker, Building Code Compliance Officer, stated that the property was in compliance on February 3, 2006. Mr. Rini made a motion to find the property in compliance. The motion passed unanimously.

3. **DEB-06-002 – HOPE LAND INVESTMENTS LLC**

[Posted]

Mark A. Gabriel, Registered Agent

Complaint No. 051017030

Violation of City of DeBary Ordinance, Volusia Land Development Code No. 88-3, Article X for not obtaining a tree removal permit as required at 217 Clara Vista Street in DeBary.

(Environmental Management – Brant Kruger)

*Order of Non-Compliance issued at the March 8, 2006, hearing;

Hearing to Impose Fine/Lien

Ginger Martin, Volusia County Forester, stated that she received a letter from the owner's attorney agreeing to the terms required by the City and County for tree replacement. She added that they are required to replant a minimum of four trees per lot.

Basyle "Boz" Tchividjian, attorney for the owner, stated that the owner would replant the trees and pay approximately \$40,000 into the tree replacement fund.

Mr. Harvey made a motion to amend the Order of Non-Compliance to allow a compliance date of September 13, 2006. Mr. Rini seconded the motion. The motion passed unanimously.

V. HEARINGS AND PRESENTATION OF FILED NOTICES OF VIOLATIONS:

1. **DEB-06-004 – GRIGGS, Deborah A. Trustee**

[Served]

Complaint No. 051201008

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 214 Valencia Road in DeBary.

(Building Division – Dave Hooker)

Chair Don Pulver informed the Board that the case was withdrawn.

2. **DEB-06-005 – OSKER, Andrea & RUSHING, James V.** [Served]
Complaint No. 051207060
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 91 Sundown Road in DeBary.
(Building Division – Dave Hooker)

Chair Don Pulver informed the Board that the case was withdrawn.

3. **DEB-06-006 – LIU, Yong Keng** [Served]
Complaint No. 05090163
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 103 Florence Boulevard in DeBary.
(Building Division – Dave Hooker)

Mr. Hooker distributed a packet and photographs to the Board regarding a screen room being converted into a bedroom without a building permit. He said that the owner called him the day before the meeting and stated that the modifications would be removed prior to the meeting. Mr. Hooker said that he inspected the property earlier in the afternoon, and the modifications had not been removed.

Mr. Rini made a motion to find the property in non-compliance and allow the owner until June 10, 2006, to comply; if the property is not in compliance, a fine of \$250 per day will commence on June 11, 2006. Mr. Harvey seconded the motion. The motion passed unanimously.

4. **DEB-06-007 – HENRY, Thomas M. & Cheryl L.** [Served]
Complaint No. 050321041
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 87 South US Highway 17-92, Suite B in DeBary.
(Building Division – Dave Hooker)

Mr. Hooker distributed a packet and photographs to the Board regarding the pole barn that was enclosed without a permit.

Thomas Henry, property owner, stated that he believed his engineer had applied for the permit and that the re-roof permit covered the extent of the work being done, including the enclosure.

Mr. Hooker noted that Mr. Henry had applied for the permit himself, had listed the total amount of the project as \$300, and described the work as “replacing three pieces of metal”. Mr. Henry stated that he thought the engineer had applied for an additional permit for the enclosure.

Mr. Dwyer made a motion to find the property in non-compliance, and impose a fine of \$250 per day

impose a fine of \$500 per day immediately. Mr. Duncan seconded the motion. The motion passed with Chair Pulver dissenting.

Mr. Dwyer asked if the business had an occupational license at the address. Ms. Waggoner answered no. Mr. Rini made a motion to find the property in non-compliance in the case of DEB-06-018 and impose a fine of \$500 per day immediately. Mr. Duncan seconded the motion. The motion passed unanimously.

Mr. Rini made a motion in the case of DEB-06-019 to find the property in compliance because Ms. Waggoner has not seen the trailer on the property since March 15, 2006. Mr. Duncan seconded. The motion passed unanimously.

Chair Pulver stated that he did not believe there was evidence at the current time to prove that heavy equipment is still being stored on the property in the case of DEB-06-020. The Board asked Ms. Waggoner to research the case further and continue it until the July CEB meeting.

9. **DEB-06-021 – MILLER, Thomas F.** [Served]
Complaint No. 050506079
Violation of City of DeBary Ordinance, Chapter 30, Article III, Sections 30-103 and 30-104 for having vehicle(s) that is inoperative and/or without current license tag at 225 DeBary Drive in DeBary.
(Zoning Compliance – Debbie Waggoner)

Ms. Waggoner circulated pictures of the untagged car with a broken windshield to the Board.

Thomas Miller, property owner, said that the car does not have a tag, but it is operable.

Mr. Dwyer made a motion to find the property in non-compliance and allow the owner thirty days to come into compliance. Mrs. Becker seconded the motion. The motion passed with Mr. Rini and Mr. Harvey dissenting.

10. **DEB-06-022 – STENE, Branden & DINKELOO, Heather** [Served]
Complaint No. 060202053
Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Section 811.02 for living in a R/V connected to water, sewer or electric lines where not allowed at 414 Fort Florida Road in DeBary.
(Zoning Compliance – Debbie Waggoner)

Chair Don Pulver informed the Board that the case was withdrawn.

11. **DEB-06-023 – STENE, Branden & DINKELOO, Heather** [Served]
Complaint No. 060202054
Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Section 811.02 and 811.021 for having a recreational vehicle improperly parked at 414 Fort Florida Road in DeBary.
(Zoning Compliance – Debbie Waggoner)

Chair Don Pulver informed the Board that the case was withdrawn.

NEW BUSINESS:

Mr. Harvey suggested that since there has not been an election of officers in a couple of years, the Board should have an election at the next meeting.

1. Tally Sheets

Mr. Rini asked the status of the case DEB-00-002. Mr. Langley responded that he would look into it and determine if it had been settled. There was a brief discussion regarding the tally sheets. Ms. Gonzalez and Mr. Langley apprised the Board of recent developments with a few of the cases.

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

ADJOURNMENT:

The meeting adjourned at 7:25 P.M.

**APPROVED July 12, 2006
CITY OF DeBARY
CODE ENFORCEMENT BOARD**

Chairman Don Pulver