

CITY OF DeBary
REGULAR CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, July 12, 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 (alternate), and Dave Mendenhall (alternate)

Absent: Vice-Chair Rosemary Obenland (excused)

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

County Staff: Debbie Waggoner, Dave Hooker, and Bryan Jiles

III. ADOPTION OF MINUTES

The minutes of the regular Code Enforcement Board hearing of May 10, 2006, were presented for adoption. Mr. Harvey moved to accept the minutes as presented. Ms. Becker 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-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;

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;

*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;

Hearing to Impose Fine/Lien

Debbie Waggoner, Zoning Compliance Officer, updated the Board on both cases and stated that the owner has not submitted anything to the County on either case. She read aloud a letter from the owner's engineer, Harry E. Wild, requesting an extension from the CEB on both cases. She submitted the letter and photographs taken of the property into the record.

The Board discussed the extended length of time that the cases have been ongoing. Mr. Harvey made a motion to impose a fine of \$250 per day beginning July 13, 2006, for case DEB-05-023. Mr. Rini seconded the motion. The motion passed unanimously.

Mr. Harvey made a motion to impose a fine of \$250 per day beginning July 13, 2006, for case DEB-05-026. Mr. Rini seconded the motion. The motion passed unanimously.

3. **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)

*Order of Non-Compliance and Order Imposing Fine/Lien issued at the January 11, 2006, hearing;

*Report & Affidavit of Compliance was issued with a compliance date of February 22, 2006;

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

*Fine in the amount of \$1,200.00, paid on June 8, 2006;

Order Dismissing, Releasing and Satisfying Fine/Lien

Ms. Waggoner stated that the property is in compliance and the fine was paid. Mr. Rini made a motion to dismiss the fine/lien. Mr. Harvey seconded the motion. The motion passed unanimously.

4. **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)

*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 7, 2006;

Order of Compliance

Order Dismissing & Releasing Fine/Lien

Dave Hooker, Building Code Compliance Officer, stated that the owner complied with the Board's

orders issued at the May meeting. Mr. Rini made a motion to find the property in compliance. Mr. Harvey seconded the motion. The motion passed unanimously.

5. **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)

*Order of Non-Compliance issued at the May 10, 2006, hearing;

Hearing to Impose Fine/Lien

Mr. Hooker explained the photographs of the property to the Board, and stated that the owner, Mr. Henry, has requested thirty days to remove the modifications to the pole barn.

Mr. Henry stated that he had met with the TRS (Technical Review Staff) at the County and decided it would be best if he removed the alterations to the pole barn.

Chairman Pulver entertained a motion for an amended Order of Non-Compliance to be issued to allow Mr. Henry thirty days. Mr. Harvey made the motion, and Mr. Rini seconded. The motion passed unanimously.

6. **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)

*Order of Non-Compliance issued at the May 10, 2006, hearing;

Hearing to Impose Fine/Lien

Ms. Waggoner showed the picture of the vehicle to the Board, stated that the property remains in violation, and recommended a fine of \$25 per day to begin immediately.

Mr. Rini made a motion to impose a fine immediately of \$25 per day. Ms. Becker seconded. The motion passed unanimously.

V. HEARINGS AND PRESENTATION OF FILED NOTICES OF VIOLATIONS:

1. **DEB-05-062 – SHANTZ, Scott A.** [Served]

Complaint No. 031025062

Violation of City of DeBary Code of Ordinance 98-8, Section 22.32 - Florida Building Code, Sections 105.4 and 106.1.1, failure to obtain a final inspection for all permitted work at 143 Naranja Road in DeBary.

(Building Division – Dave Hooker)

*The Enforcement Official continued this case from the January 11, 2006, hearing;

Mr. Hooker outlined the case for the Board and submitted photographs of the room addition and enclosed carport for the record. He also submitted a letter from the owner requesting an additional thirty days to reopen the permit and obtain final inspection approval once he returns to DeBary in three weeks.

Mr. Rini made a motion to find the property in non-compliance and allow the owner 45 days to comply; if compliance is not achieved, a fine of \$100 per day will begin on the 46th day. Mr. Duncan seconded. The motion passed unanimously.

2. **DEB-06-024 – FRISCH, Ronald J.** [Posted]
Complaint No. 051003044
Violation of City of DeBary Code of Ordinance 58-84, Florida Building Code, Section 3401.6 for an unsafe and dilapidated building at 246 Torrento Drive in DeBary.
(Building Division – Dave Hooker)

Mr. Hooker gave the Board the history of the case and presented pictures of the property for the record. He added that he learned that day that the property was sold on July 11th, and recommended that the Board allow the new owner some time to comply.

David Abeles stated that he is the attorney for the new owner, David Jeckovich, and explained how the property had been transferred. He added that all of the improvements would be completed within sixty days, and that the shed and debris would be removed within thirty days.

Mr. Jeckovich stated that the shed would be removed and the house secured by the end of the week.

Mr. Langley recommended that the case be continued, and that staff notice the new owner. Ms. Becker made a motion to continue the case until the September meeting, and that notice be sent to Mr. Jeckovich, and that the Board recommends the dangerous situation be remedied within fifteen days. Mr. Duncan seconded. The motion passed unanimously.

3. **DEB-06-025 – CONLEY, Patricia** [Served]
Complaint No. 050728030
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 35 Alicante Road in DeBary.
(Building Division – Dave Hooker)

Chairman Pulver informed the Board that the case was continued.

VI. REQUEST TO HAVE CASES GO BEFORE CITY COUNCIL TO DISCUSS FINE/LIEN

1. **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

Fine/Lien Amount - \$10,500.00

2. **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

Fine/Lien Amount - \$10,500.00

David Jekovich, property owner, explained that he had multiple problems with the tenant, and evicted the tenant approximately a month prior. He added that he was under the impression that he did not have to attend the meeting in May, and was only aware of the fine one to two weeks after the meeting. He stated that he had to wait until the tenant was evicted to clean up the property.

Mr. Rini noted that the property was in compliance approximately three weeks after the May meeting. Mr. Rini made a motion to recommend a complete waiver of the fines on both cases. Ms. Becker seconded the motion. The motion passed unanimously.

NEW BUSINESS:

1. Tally Sheets

Mr. Langley updated the Board on the CEB liens.

2. As Entertained by Chairman

Chairman Pulver stated that although it was omitted on the agenda, the Board had discussed having elections for chair and vice-chair at the last meeting.

Mr. Rini nominated Chairman Pulver to serve again as Chairman. Ms. Becker seconded. The motion passed unanimously.

Mr. Rini nominated John Harvey to serve as Vice-Chairman. Mr. Duncan seconded. The motion passed unanimously.

3. As Entertained by Board Attorney

4. As Entertained by Staff Attorney

5. As Entertained by Staff

ADJOURNMENT:

The meeting adjourned at 6: 55 P.M.

**APPROVED September 13, 2006
CITY OF DeBARY
CODE ENFORCEMENT BOARD**

Chairman Don Pulver