

CITY OF DeBary
REGULAR CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, September 13, 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),

Absent: Vice-Chair Rosemary Obenland (excused) and Dave Mendenhall (alternate)

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

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

III. ADOPTION OF MINUTES

The minutes of the regular Code Enforcement Board hearing of July 12, 2006, were presented for adoption. Mr. Rini 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-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

Dave Hooker, Building Code Compliance Officer, stated that the property was brought into compliance on July 7, 2006. Mr. Rini made a motion to issue an Order of Compliance. Ms. Becker seconded. The motion passed unanimously.

2. **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.
(Zoning Compliance – Phil Solano)
*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

Bryan Jiles, County Zoning Compliance Coordinator, stated that Mr. Solano issued an affidavit of compliance on March 17, 2006. Mr. Rini made a motion to issue an Order of Compliance. Mr. Duncan seconded. The motion passed unanimously.

3. **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

Debbie Waggoner, Zoning Compliance Officer, stated that the property was brought into compliance on August 4, 2006. Mr. Rini made a motion to issue an Order of Compliance. Mr. Harvey seconded. The motion passed unanimously.

4. **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
Order Dismissing & Releasing Fine/Lien

Ms. Waggoner stated that the violations were resolved on July 12, 2006 and recommended an order of Compliance.

Gary Altman, 488 W. Highbanks Road, stated that although it had taken a considerable time to achieve compliance, he had accomplished everything required by the County. Ms. Becker made a motion to issue an Order of Compliance and an Order Dismissing & Releasing Fine/Lien. Mr. Rini seconded the motion. The motion passed unanimously.

Addendum to agenda:

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;

*Order of Non-Compliance and Order Imposing Fine/Lien issued at the July 12, 2006, hearing;

*Report & Affidavit of Compliance was issued with a compliance date of August 29, 2006;

Order of Compliance

Mr. Hooker explained the background of the case and stated that the property was found in compliance on August 29, 2006. Mr. Rini made a motion to issue an Order of Compliance. 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)

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

*The Enforcement Official continued this case from the March 8, 2006, hearing;

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

Hearing to Impose Fine/Lien

Mr. Hooker gave the Board background information on the case and submitted photographs of the property for the record.

Benjamin Olver, property owner, explained the actions he took to attempt to remedy the violation. He also described the trouble he has had in securing an architect. He noted that the building conversion was completed prior to his purchase of the property.

Mr. Dwyer made motion to impose a fine of \$100 per day to begin September 14, 2006. The motion died due to lack of a second. Mr. Dwyer made a motion to impose a fine of \$50 per day to begin September 14, 2006. Mr. Duncan seconded. The motion failed 2-4.

Mr. Harvey made a motion to impose a fine of \$5 per day to begin September 14, 2006. Mr. Rini seconded the motion. The motion passed 5-1, with Mr. Dwyer dissenting.

Order of Compliance

Ms. Waggoner stated that as of August 25, 2006, the vehicle has been removed. Mr. Rini made a motion to find the property in compliance. Ms. Becker seconded. The motion passed unanimously.

V. 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;

Chairman Pulver informed the Board that the case was continued until November 8, 2006.

2. **DEB-06-024 – FRISCH, Ronald J. JEKOVICH, David J., New Owner** [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)

Chairman Pulver informed the Board that the case was withdrawn.

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)

*The Enforcement Official continued this case from the July 12, 2006, hearing;

Mr. Hooker explained the documents he submitted for the record and gave the Board a brief outline of the case. He clarified the photographs of the property submitted for the record.

Mr. Dwyer made a motion to find the property in non-compliance relative to the deck and impose a fine of \$100 per day to begin in 30 days and additionally to give the owner 4 months to secure permits for the garage conversion into living space. Mr. Duncan seconded the motion. The motion passed unanimously.

4. **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)

Ms. Waggoner stated that the property owner has not complied with the approved phasing plan, which is a condition of the special exception approved by the City Council on January 18, 2006. She explained the site plan and photographs of the property to the Board. Chairman Pulver read aloud the phasing plan approved by City Council.

Jeremy Owens, with CPH Engineers, spoke to the Board on behalf of the property owner. Mr. Owens stated that they would submit the site plan to the County next week, but that the Council would not approve the site plan until at least December.

Mr. Rini made a motion to find the property in non-compliance and allow the owner 14 days to comply with all the special exception conditions or a fine of \$200 per day will begin on the 15th day. Mr. Duncan seconded. The motion passed unanimously.

5. **DEB-06-035 – AGUILAR, Bertilia**
[Served]

Complaint No. 050920042

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 96 South US Highway 17-92 in DeBary.

(Building Division – Dave Hooker)

Chairman Pulver informed the Board that the case was withdrawn.

6. **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)

Mr. Hooker briefed the Board on the specifics of the case and presented photographs of the property for the record. He stated that the owner had applied for a permit, but had never called for an inspection.

Jennifer Sedor, property owner, stated that she was unaware that she had to do anything else once she had applied for the permit.

Ms. Becker made a motion to continue the case until the next meeting. Mr. Harvey seconded the motion. The motion passed unanimously.

7. **DEB-06-037 – OWENS, Inez S.** [Served]
Complaint No. 060118068
Violation of City of DeBary Code of Ordinance 58-84, Florida Building Code Section 3401.6 for an unsafe and dilapidated building at 332 Gardenia Avenue in DeBary.
(Building Division – Dave Hooker)

Mr. Hooker outlined the case for the Board and submitted photographs of the garage door for the record.

Mr. Rini made a motion to find the property in non-compliance and allow the owner until the next meeting to comply, or a fine of \$100 per day will commence November 9, 2006. Mr. Dwyer seconded. The motion passed unanimously.

8. **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)

Chairman Pulver informed the Board that the case is continued until the November 8th meeting.

9. **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)

Mr. Hooker gave the board a brief timeline of the events relative to the case and submitted photographs of the construction trailer for the record.

Larry Allen, property owner, stated that the trailer had been left there for about seven or eight years by a construction company. He explained that he tried to sell the trailer to a church, but had been waiting for months. He asked the Board for more time to find someone to remove the trailer, as he did not have the money to remove it himself.

Mr. Dwyer made a motion to find the property in non-compliance and allow the owner until November 8, 2006, to remove the trailer. Mr. Duncan seconded. The motion passed unanimously.

10. **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)

Ms. Waggoner stated that she has seen various trucks at the site on multiple occasions, including the white electric company trucks and the orange semi.

William White, property owner, explained that he has been parking the semi there for eleven years and never received any complaints. He added that the semi needs repairs, but he has been unable to work on the truck because he is temporarily disabled due to an accident. He stated that he, his son, and his neighbor regularly park their work trucks on the property, but he considers them pickup trucks.

Bryan Jiles, Zoning Compliance Coordinator, stated that the white work truck is prohibited because it is a chassis-cab truck included in Section 811.01.

Mr. Dwyer made a motion to find the property in non-compliance and allow until November 8, 2006, for the owner to bring the property into compliance. Mr. Duncan seconded. The motion passed unanimously.

11. **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)

Mr. Hooker submitted photographs of the property for the record and gave the Board background information relative to the case.

Glenn Paul, attorney for the owner, explained that this was the second fire on the property, which occurred on November 8, 2005. He stated that the owner retained him shortly after the second fire, and he has been negotiating with the mobile home company and the mortgage company for months. He added that there has just been a settlement reached with the two companies, and there is a prospective buyer who has verbally agreed to remove the building once he purchases the property. Mr. Paul asked the Board to continue the case until the next meeting and affirmed that he is required to notify the prospective buyer that there are pending code enforcement actions on the property.

Ms. Becker made a motion to find the property in non-compliance, allow the owner until November 8, 2006, to achieve compliance, and require the owner to erect a security fence around the property for safety reasons within ten working days or a fine of \$50 per day will be imposed. Mr. Dwyer seconded the motion. The motion passed unanimously. Mr. Paul asked for clarification on the fencing material. Chairman Pulver stated that the fencing material should be the orange plastic type around the structure.

VI. NEW BUSINESS:

1. Tally Sheets

Ms. Gonzalez updated the Board on the tally sheets.

2. As Entertained by Chairman

Chairman Pulver suggested that all documentation relative to the Code Enforcement Board proceedings be left with Ms. Gonzalez at the end of each meeting, rather than taking the material home. He stated that the documents are considered public records and are subject to public inspection.

3. As Entertained by Board Attorney

4. As Entertained by Staff Attorney

5. As Entertained by Staff

Ms. Gonzalez asked the Board to include the staff expenses when considering waiver/reduction requests in the future. Chairman Pulver moved that as standard procedure in any case that all expenses incurred by the City would be required to be recovered in any legal request for amending an imposed fine or lien. The Board concurred.

ADJOURNMENT:

The meeting adjourned at 9:15 P.M.

**APPROVED ON November 8, 2006
CITY OF DeBARY
CODE ENFORCEMENT BOARD**

Chairman Don Pulver