

CITY OF DeBary
REGULAR CODE ENFORCEMENT BOARD MEETING
WEDNESDAY, November 8, 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, Vice-Chair John Harvey, Gertrude DeSantis (alternate), and Dave Mendenhall (alternate)

Absent: Rosemary Obenland (unexcused)

City Staff: City Planner Anita Gonzalez, Neighborhood Improvement Officer Dave Hooker and Assistant City Attorney Dan Langley

County Staff: Debbie Waggoner, Phil Solano, Ginger Adair, and Bryan Jiles

III. ADOPTION OF MINUTES

The minutes of the regular Code Enforcement Board hearing of September 13, 2006, were presented for adoption. Mr. Rini moved to accept the minutes as presented. Vice-Chair Harvey seconded the motion. The motion passed unanimously.

IV. ASSIGN NEW MEETING DATE FOR JANUARY, 2007

This was postponed.

Witnesses Sworn In:

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

V. UNFINISHED BUSINESS:

1. **DEB-03-037 – RIVERSIDE CONDO (DEBARY)** **[Posted]**
Complaint No. 030915007
Violation of City of DeBary Code of Ordinance 58-84, City of DeBary Standard Building Code Section 3401.6 for an unsafe and dilapidated structure at 313 Dirksen Drive in DeBary.
(Building Division – Tom Reynolds)
*The Enforcement Official continued this case from the November 12, 2003, hearing;
*Order of Non-Compliance issued at the January 14, 2004, hearing;
*Order Imposing Fine/Lien issued at the May 12, 2004, hearing;
*Report & Affidavit of Compliance was issued with a compliance date of September 17, 2004;
*Order of Compliance issued at the November 10, 2004, hearing;

*Settlement Agreement dated July 8, 2005, negotiated between City of DeBary & Riverside Condominium;
*Fine paid in full;

Order Dismissing, Satisfying & Releasing Fine/Lien

2. **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 issued at the September 13, 2006, hearing;

*City Council approved a reduction of fine to \$10,000.00, payable by November 4, 2006;

*Fine in the amount of \$10,000.00 paid in full;

Order Dismissing, Satisfying & Releasing Fine/Lien

3. **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 issued at the September 13, 2006, hearing;

Order Dismissing & Releasing Fine/Lien

4. **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 issued at the July 12, 2006, hearing;

*City Council approved reduction of fine to \$3,372.34 for both cases;

*Fine in the amount of \$3,372.34 paid in full;

Order Dismissing, Satisfying & Releasing Fine/Lien

5. **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 issued at the July 12, 2006, hearing;
- *City Council approved reduction of fine to \$3,372.34 for both cases;
- *Fine in the amount of \$3,372.34 paid in full;

Order Dismissing, Satisfying & Releasing Fine/Lien

Mr. Rini made a motion to issues orders dismissing, satisfying & releasing fine/lien for cases DEB-03-037, DEB-03-040, DEB-05-026, DEB-06-017, and DEB-06-018. Mr. Duncan seconded. The motion passed unanimously.

6. **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)

- *Order of Non-Compliance and Order Imposing Fine/Lien issued at the September 13, 2006, hearing;

Progress Report

Debbie Waggoner, Zoning Compliance Officer, stated that the daycare had added landscaping and signage since the last meeting. She added that they had also submitted information on October 17th for the DRC meeting. Ms. Waggoner distributed copies of the daycare licensing to the Board.

Sheryl Weldon, director of Christian Care for Lil’ Angels, stated that the licensing was completed prior to the daycare opening its doors; that they have a permit for the monument sign, but it is not installed yet; that the landscape buffer is in compliance with the phasing plan; and that the final site plan was submitted to the County by CPH Engineering.

7. **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)

- *Order of Non-Compliance and Order Imposing Fine/Lien issued at the September 13, 2006, hearing;
- *Property ordered by the Board to be secured within ten (10) working days of hearing or a fine of \$50.00 per day would start on September 28, 2006;
- *Report & Affidavit of Compliance was issued with a compliance date of September 25, 2006;

Order of Compliance

Order Dismissing & Releasing Fine/Lien

David Hooker, Neighborhood Improvement Officer, noted that the property was in compliance prior to the accrual of any fine. Mr. Rini made a motion to issue an order dismissing and releasing fine/lien and an order of compliance. Mr. Duncan seconded. The motion passed unanimously.

VI. 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;
- *The Enforcement Official continued this case from the September 13, 2006, hearing;

Mr. Hooker noted that there is an active building permit on the property and recommended that the case be continued until the January meeting.

2. **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)

- *The Enforcement Official continued this case from the September 13, 2006, hearing;

Mr. Hooker stated that the permit had not been picked up by the property owner and recommended a fine of \$50 per day. Mr. Dwyer made a motion to find the property in noncompliance and impose an immediate fine of \$50 per day. Mr. Rini seconded the motion. The motion passed unanimously.

3. **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 noted that the case had been withdrawn.

4. **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)

Larry Allen, property owner, stated that the Seventh Day Adventist Church in Orange City had sent him a letter expressing interest in moving the trailer to their property. Ms. Becker disclosed that she is a member of the Church's board, and that they are indeed researching the cost of moving the trailer to the church property.

Chairman Pulver stated that in light of the new information, he would recommend a continuance

until the January meeting.

5. **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 explained the pictures of the trucks to the Board, and stated that the property is not in compliance. No one was present to represent the property. Mr. Dwyer made a motion to find the property in noncompliance and impose an immediate fine of \$50 per day. Mr. Rini seconded. The motion passed unanimously.

William White, property owner, came in a few minutes after the case was discussed. He stated that he sold the semi a few days prior, and that the new owner was sending a wrecker to pick it up. He voiced his disagreement with the electric company trucks being defined as chassis cab trucks. He stated that they are considered pickup trucks, and he would bring in a definition from the dealer supporting his claim.

Chairman Pulver recommended that the prior motion be recanted, and allow Ms. Waggoner a week to verify compliance. He asked Mr. White to provide Ms. Waggoner documentation of the sale of the semi and the dealer information relative to the power company trucks.

The Board discussed recanting the prior motion and decided to let it stand. Chairman Pulver informed Mr. White that if he provided the documentation to Ms. Waggoner, they would resolve the fine at the next meeting.

6. **DEB-06-047 – TOKMAN, Jeffrey L. & Janien M.** [Served]
Complaint No. 060531003
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 the corner of 17-92 in DeBary.
(Zoning Compliance – Debbie Waggoner)

Ms. Waggoner stated that the property is at the corner of Benson Junction and 17-92; that a barbwire fence was erected without a permit; that when she first sent the letter, the owner called in and stated that he did not erect the fence; and that the owner called in later and said he would be out of the country for the hearing.

Mr. Dwyer made a motion to find the property in non-compliance. Mr. Rini seconded. The motion passed unanimously.

7. **DEB-06-051 – REMELIUS, Mary F. Estate & REMELIUS, James R. & Michael** [Sheriff Served]
Complaint No. 060425024
Violation of City of DeBary Ordinance 80-8, as amended, Article VII, Section R-4 for

11. **DEB-06-057 – RUSS, Clifford J. & Mindy O.** [Sheriff Served]
 Complaint No. 060802092
 Violation of City of DeBary Code of Ordinance 80-8, as amended, Article VII, Section R-4 for having a auto repair, construction business, workers, deliveries, etc., where not allowed in present zoning at 114 Naranja Road in DeBary.
(Zoning Compliance – Phil Solano)

12. **DEB-06-058 – RUSS, Clifford J. & Mindy O.** [Sheriff Served]
 Complaint No. 060802093
 Violation of City of DeBary Code of Ordinance 80-8, as amended, Article VIII, Section 811.02 and 811.021 for having a trailer improperly parked at 114 Naranja Road in DeBary.
(Zoning Compliance – Phil Solano)

13. **DEB-06-059 – RUSS, Clifford J. & Mindy O.** [Sheriff Served]
 Complaint No. 060802095
 Violation of City of DeBary Code of Ordinance 80-8, as amended, Article VII, Section R-4 for storage of equipment, vehicles, supplies, deliveries, etc., where not allowed in present zoning at 114 Naranja Road in DeBary.
(Zoning Compliance – Phil Solano)

14. **DEB-06-060 – RUSS, Clifford J. & Mindy O.** [Sheriff Served]
 Complaint No. 060802096
 Violation of City of DeBary Code of Ordinance 80-8, as amended, Article VII, Section R-4 for having a junkyard where not permitted at 114 Naranja Road in DeBary.
(Zoning Compliance – Phil Solano)

Phil Solano, Zoning Compliance Officer, gave testimony relative to all six cases on the property. He stated that the cases began on August 2, 2006, and he submitted photographs of the property for the record.

Clifford and Mindy Russ, property owners, requested sixty days to clean up the property.

Mr. Rini made a motion to find the property in noncompliance for case numbers DEB-06-055, DEB-06-056, DEB-06-057, DEB-06-058, DEB-06-059, and DEB-06-060; and to allow the owners 45 days to bring the property into compliance, or a fine of \$25 per day, per case will be imposed. Mr. Duncan seconded. The motion passed unanimously.

15. **DEB-06-061 MCGOWAN, Carol L.** [Served]
 Complaint No. 060802097
 Violation of City of DeBary Code of Ordinance 80-8, as amended, Article VII, Section R-4 for having a junkyard where not permitted at 237 Eldorado Drive in DeBary.
(Zoning Compliance – Phil Solano)

16. **DEB-06-062- MCGOWAN, Carol L.** [Served]
 Complaint No. 060802098
 Violation of City of DeBary Code of Ordinance 80-8, as amended, Article VIII, Section 811.03 for parking motor vehicle(s) on front yard other than on driveway at 237 Eldorado Drive in DeBary.

(Zoning Compliance – Phil Solano)

17. **DEB-06-063–MCGOWAN, Carol L.** [Served]
Complaint No. 060802099
Violation of City of DeBary Code of Ordinance, Chapter 30, Article III, Sections 30-103 and 30-104 for vehicle(s) that in operative and/or without current license tag at 237 Eldorado Drive in DeBary.
(Zoning Compliance – Phil Solano)

Mr. Solano gave testimony relative to all three cases on the property. He stated that the cases began on August 2, 2006, and he submitted photographs of the property for the record. He added that the cases for improper parking and unlicensed or inoperable vehicles should be dismissed, as they have been brought into compliance, but that the case involving a junkyard has not been resolved.

Mr. Dwyer made a motion relative case numbers DEB-06-062 and DEB-06-063, that the property be found in noncompliance, but that there is no fine, due to the fact that compliance was met by the date of the hearing. Mr. Rini seconded. The motion passed unanimously.

Mr. Dwyer made a motion in the case of DEB-06-061, to find the property in noncompliance, and allow the owner until December 15, 2006, to attain compliance, or a fine of \$50 per day be imposed. Mr. Duncan seconded. The motion passed unanimously.

18. **DEB-06-064 – BROWN, David M. & Vicki L.** [Served]
Complaint No. 060714119
Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Section 811.02 and 811.021 for having a boat and/or trailer improperly parked at 98 Sundown Road in DeBary.
(Zoning Compliance – Phil Solano)

19. **DEB-06-065 – BROWN, David M. & Vicki L.** [Served]
Complaint No. 060714120
Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Section 811.02 for maintaining a R/V, boat and/or trailer without current tags/validation sticker at 98 Sundown Road in DeBary.
(Zoning Compliance – Phil Solano)

Mr. Solano withdrew DEB-06-065. He stated that DEB-06-064 was initiated on July 14, 2006. He submitted photographs of the boat for the record and noted that the boat had been removed, but asked the Board to issue an order of noncompliance so that, in the future, any reoccurrence would be treated as a repeat violation.

David Brown, property owner, stated that he had found a permanent storage place for the boat. Mr. Rini made a motion to find DEB-06-064 in noncompliance and dismiss the case. Vice-Chair Harvey seconded. The motion passed unanimously.

20. **DEB-06-066 – AMSEN, Gary K.** [Served]
Complaint No. 060815052

Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Sections 811.02 and 811.021 for having a boat and/or trailer improperly parked at 15 Lake Drive in DeBary.
(Zoning Compliance – Phil Solano)

Chairman Pulver informed the Board that the case was withdrawn.

21. **DEB-06-067 – AMSEN, Gary K.** [Served]
Complaint No. 060815053
Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Sections 811.02 for maintaining a R/V, boat and/or trailer without current tags/validation sticker at 15 Lake Drive in DeBary.
(Zoning Compliance – Phil Solano)

Chairman Pulver informed the Board that the case was withdrawn.

22. **DEB-06-068 – AMSEN, Gary K.** [Served]
Complaint No. 060815054
Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Sections 811.02 and 811.021 for having a trailer improperly parked at 15 Lake Drive in DeBary.
(Zoning Compliance – Phil Solano)

Chairman Pulver informed the Board that the case was withdrawn.

23. **DEB-06-070 – STENE, Branden & DINKELOO, Heather** [Served]
Complaint No. 060808042
Violation of City of DeBary Code of Ordinance 80-8 as amended, Article VII, Section R-1 for having a junkyard where not permitted at 414 Fort Florida Road in DeBary.
(Zoning Compliance – Debbie Waggoner)

Ms. Waggoner stated that the property is a vacant lot that appears to be used as storage, and that there is currently an overturned jacuzzi, a shed, and a pile of wood.

Mr. Dwyer made a motion to find the property in noncompliance, to allow the owner until December 15, 2006, to bring the property into compliance, or a fine of \$50 per day will commence. Mr. Duncan seconded. The motion passed unanimously.

24. **DEB-06-074 – HELMICK, Ronald L. & Debra L.** [Sheriff Served]
Complaint No. 060811078
Violation of City of DeBary 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 244 Clara Vista Street in DeBary.
(Zoning Compliance – Phil Solano)

25. **DEB-06-075 – HELMICK, Ronald L. & Debra L.** [Sheriff Served]
Complaint No. 060811086
Violation of City of DeBary Ordinance 80-8, as amended, Article VIII, Section 811.03 for

parking motor vehicle(s) on front yard other than on driveway at 244 Clara Vista Street in DeBary.

(Zoning Compliance – Phil Solano)

Mr. Solano submitted pictures of the property to the Board for the record, and gave testimony relative to both cases on the property.

Debra Helmick, property owner, stated that she was previously unaware that the commercial vehicle could not be parked in a residential area.

Mr. Duncan made a motion to find DEB-06-074 and DEB-06-0675 in noncompliance and dismiss both cases. Mr. Dwyer seconded. The motion passed unanimously.

26. **DEB-06-076 – MANTZ, Jr., William Lofstrand** []
Complaint No. 060915075
Violation of City of DeBary Ordinance, Chapter 14, Article IX, Section 14-201 for not posting assigned building address numbers at 12 DeBary Drive in DeBary.
(Zoning Compliance – Phil Solano)

Mr. Solano stated that the case would have to be continued due to lack of service.

VII. REQUEST TO HAVE CASE GO BEFORE CITY COUNCIL TO DISCUSS FINE/LIEN

1. **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.
(Building Division – Dave Hooker)
*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 issued at the September 13, 2006, hearing;
Fine/Lien - \$77,200.00

Mr. Jackson, property owner, stated that he was originally unaware of the need for a permit. He added that he was incarcerated during the time that the fine was accruing.

Chairman Pulver advised Mr. Jackson that he should have documentation to support his claims. Mr. Dwyer made a motion that the Board recommends that the fine remain as is. Due to lack of a second, the motion died.

Ms. Becker made a motion to recommend a reduction of the fine to staff costs plus one thousand dollars. Mr. Duncan seconded. The motion passed 4-2, with Mr. Dwyer and Vice Chair Harvey dissenting.

2. **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 issued at the September 13, 2006, hearing;

Fine/Lien - \$5,500.00

Mr. Altman, property owner, stated that he would like a reduction due to a medical hardship and explained the actions he took to bring the property into compliance.

Ms. Becker made a motion to recommend a reduction of the fine to staff cost plus five hundred dollars. Mr. Rini seconded. The motion passed 4-2, with Mr. Dwyer and Vice Chair Harvey dissenting.

VIII. NEW BUSINESS:

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

Mr. Hooker informed the Board that there would be an informative session on November 30th to let the citizens know that the City has hired in-house code enforcement staff.

ADJOURNMENT:

The meeting adjourned at 9:00 P.M.

**APPROVED: January 17, 2007
CITY OF DeBARY
CODE ENFORCEMENT BOARD**

Chairman Don Pulver