

CITIZENS CODE ENFORCEMENT BOARD

NOTICE OF HEARING

March 17, 2009

Members:

Vacant Seat – Chairperson

John Shelby (Vice Chairperson)

Michael Slayton

P.J. (Pat) Arvidson

Keith Gerhartz

Ken Taylor

Katharine (Kathy) L. Cooley

THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION of a hearing of the Citizens Code Enforcement Board, to be held on TUESDAY, March 17<sup>th</sup>, 2009 at 4:30 P.M. in the **DEBERRY ROOM, 3<sup>RD</sup> FLOOR, UTILITIES COMMISSION, 200 CANAL STREET,** New Smyrna Beach, Florida, for consideration of the following:

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John Shelby – Vice Chair  
Citizens Code Enforcement Board

**I. ROLL CALL:**

**II. DISCLOSURE OF EX PARTE COMMUNICATIONS:**

Members of the Citizens Code Enforcement Board are asked to please disclose, for the record, the substance of any ex parte communications that have occurred prior to this public hearing.

**III. APPROVAL OF MINUTES:**

Minutes from the 2/17/2009 Code Enforcement Board Hearing

**IV. SWEARING OF CITY STAFF:**

**V. CASES IN COMPLIANCE WITH THE BOARD'S ORDER:**

**VI. OLD BUSINESS:**

**C2007-0829:            Gilbert L. Dannehower 137 Cunningham Dr.            [SERVED]**

Permitting or causing to be permitted tree removal without the required tree removal permit in violation of §604.051 A. of the Land Development Regulations.

July 15, 2008: The Board found Gilbert L. Dannehower in violation and gave Mr. Dannehower 30 days to bring the property into compliance. Mr. Dannehower failed to comply with the Board's Order and the fine of \$250.00 per day started on the 18<sup>th</sup> day of August, 2008.

August 19, 2008: The Code Enforcement Board's Hearing was cancelled due to Tropical Storm Fay.

September 16, 2008: Gilbert L. Dannehower requested a modification to the Board' Order dated July 15, 2008. The Board modified the Order giving Mr. Dannehower until September 15, 2009 to come into compliance. Mr. Dannehower is to provide the Board with quarterly reports with the first report due on December 16, 2008.

February 17, 2009: The Board reviewed Mr. Dannehower's first quarterly report.

**VII. NEW BUSINESS:**

**C2008-1033:            Audio Vision            [SERVED]  
                                 843 N. Dixie Freeway**

- (A) Permitting or causing to be permitted a business operation (Audio Vision) without having paid the business license tax in violation of Article V. Occupational Licenses §74-146. of the City Code of Ordinances.
- (B) Permitting or causing to be permitted prohibited signs upon the subject property in violation of Article VI. Development Design & Improvement Standards §604.14. of the Land Development Regulations.

**C2009-0044**  
In compliance

Vazquez, Bernard, Jr. & Bonnie A.  
1907 S. Atlantic Avenue

**[SERVED]**

- A) Permitting or causing to be permitted the exterior of a structure that has not been maintained in good repair, and sanitary condition and poses a threat to public health, safety and welfare.

Permit # A2009-0641 was issued on March 3, 2009 for the following:

Re-roof with shingles. Peel & stick underlayment. Install hardi board siding. Replace rear door. Replace windows. Repaint exterior.

**C2009-0049**

Bogumil, Walter A. & Natallie M.  
4091 Hill Street

**[SERVED]**

- A) Permitting or causing to be permitted the alteration (concrete) of existing stormwater runoff patterns without first obtaining a permit from the city engineer's office.

**C2009-0053**  
In compliance

Beer, George P. & Gail E. Ahrens H&W  
1632 N. Atlantic Avenue

**[SERVED]**

- A) Permitting or causing to be permitted the alteration of existing stormwater runoff (fill) patterns without first obtaining a permit from the City Engineer's office.

Permit #E2009-0097 was issued on March 4, 2009 for the following: Add fill around the pool deck

**VIII. REPEAT BUSINESS:**

**IX. ELECTION OF OFFICERS:**

Chairperson  
Vice Chairperson

**X. DISCUSSION**

Code Enforcement Board's Internal Rules and Regulations

**XI. ADJOURNMENT:**

Pursuant to Florida statute 286.0105, if an individual decides to appeal any decision made by the Citizens Code Enforcement Board with respect to any matter considered at this hearing, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans with Disabilities Act (ADA), persons needing assistance to participate in any of these proceedings should contact the Administrative Specialist of the Citizens Code Enforcement Board listed below prior to the hearing:

Claudia Soulie  
Administrative Specialist  
% City Hall  
210 Sams Avenue  
New Smyrna Beach, FL 32168-9985  
Telephone: 386.424.2265  
Fax: 386.424.2148