

CITIZENS CODE ENFORCEMENT BOARD

NOTICE OF HEARING

July 18<sup>th</sup>, 2006

Members:

Michael E. Slayton (Chairperson)

John Shelby (Vice Chairperson)

Maggie Hawk

Jay Crocker

Elliott Hoffman

Susan Ellis

Carol Kerrigan

THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION of a hearing of the Citizens Code Enforcement Board, to be held on TUESDAY, JULY 18<sup>TH</sup>, 2006 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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Michael E. Slayton, Chairperson  
Citizens Code Enforcement Board

## **ROLL CALL**

## **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.

## **APPROVAL OF MINUTES**

May 16<sup>th</sup>, 2006

## **SWEARING OF CITY STAFF:**

## **ADDENDUM:**

## **OLD BUSINESS:**

### **C2005-0571: TT of NSB, Inc. C/O New Smyrna Chrysler Jeep Dodge [Served]**

Violation of §604.05 I. by failing to maintain the landscaped areas and irrigation systems in perpetuity and by permitting nine (9) replacement trees to die within the first year of planting at 1300 N. Dixie Freeway.

November 15, 2005: The Board found this case in violation and continued this case until January 17, 2006.

January 17, 2006: The Board continued this case until April 18, 2006.

April 18, 2006: The Board continued this case until July 18, 2006.

### **C2006-0037: Kathy Kerrigan Dowall**

**[Served]**

Violation of §26-171 of the City Code of Ordinances permitting or causing to be permitted construction (exterior stairs) without the required permits located at 321 Faulkner Street.

May 16, 2006: The Board found this case in violation giving Ms. Dowall five (5) days from receipt of this order to start the permitting process with the Building Department or shall pay a fine of \$20.00 per day for each and every day the said violation continues past the fifth day from receipt of this order with completion of the project on or before the 18<sup>th</sup> day of July, 2006 or until further order of this Board. **The permit package was submitted on May 25<sup>th</sup>, 2006.**

**C2006-0094: Jimmie Kaye Walker**

**[Served]**

Violation of §74-146 of the City Code of Ordinances by permitting or causing to be permitted a business operation (Courtyard) without having paid the occupational license tax located at 501 S. Dixie Freeway.

Violation of Ordinance 1-91 of the Land Development Regulations by permitting or causing to be permitted the prohibited outdoor display and storage in a B-3 Zoning District located at 501 S. Dixie Freeway.

May 16, 2006: The Board continued this case until July 18, 2006.

**C2006-0098: Arthur J. Sullivan, Jr.**

**[Served]**

Violation of §38-113 of the City Code of Ordinances by permitting or causing to be permitted discarded and abandoned building materials, boat motors, machinery, waste material and trailers upon the subject property located at 306 Winefred Avenue.

Violation of §70-38 of the City Code of Ordinances by permitting or causing to be permitted discarded and abandoned building materials, boat motors, machinery, waste material, trailers, recreational equipment and a vehicle in excess of one (1) ton rated capacity obstructing and encroaching upon a public street located at 306 Winefred Avenue.

Violation of §802.03 D. of the Land Development Regulations by permitting or causing to be permitted a truck in excess of one (1) ton rated capacity to be parked in a residentially zoned district (R2) located at 306 Winefred Avenue.

Violation of §802.04 of the Land Development Regulations by permitting or causing to be permitted the storage of more than two (2) pieces of recreational vehicles upon the subject property located at 306 Winefred Avenue.

March 21, 2006: The Board continued this case until April 18, 2006.

April 18, 2006: The Board found Mr. Sullivan in violation of §38-113 of the City Code of Ordinances and §70-38 of the City Code of Ordinances. The Board continued the case regarding §802.03 D. of the Land Development Regulations until July 18, 2006. The Board found Mr. Sullivan in compliance with §802.04 of the Land Development Regulations.

**C2006-0107: Keith G. Schultz**

**□**

Violation of §38-31 of the City Code of Ordinances by permitting or causing to be permitted storage of inoperable vehicles upon the subject property located at 2549 Crestwood Avenue.

Violation of §38-111 of the City Code of Ordinances by permitting or causing to be permitted discarded and abandoned waste material and weeds and undergrowth upon the subject property located at 2549 Crestwood Avenue.

April 18, 2006: The Board found this case in violation and gave Mr. Schultz fifteen (15) days to come into compliance or face a fine of \$50.00 per day for each and every day this case is not in compliance after May 3, 2006. The fine calculated to date totals \$650.00 for a total of thirteen (13) days.

May 16, 2006: The Board continued this case until July 18, 2006. The fine calculated to date totals \$3,150.00 for a total of seventy-six (76) days.

**C2006-0190: Michael Scott Wood**

**[Served]**

Violation of §102.2 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted a structure to exist with the equipment, systems, devices and safeguards required by the International Property Maintenance Code, a previous regulation, or the code under which the structure was constructed, altered or repaired, to no longer be maintained in good working order located at 2506 Hill Street.

Violation of §108.1.3 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted a structure to exist that is unfit for human occupancy because, of the degree to which the structure is in disrepair, is insanitary, lacks ventilation, illumination, sanitary facilities, heating facilities and other essential equipment required by the International Property Maintenance Code located at 2506 Hill Street.

April 18, 2006: The Board found Mr. Wood in violation and gave him until July 18, 2006 to bring the property into compliance or pay a fine of \$250.00 per day for each and every day the said violation continues past the 19<sup>th</sup> day of July 2006 or until further order of this Board.

**C2006-0236: Laura Johnson    *In Compliance 5/17/2006***

**□**

Violation of §26-171 of the City Code of Ordinances by permitting or causing to be permitted construction (fence) without the required permits located at 214 Ocean Drive.

May 16, 2006: The Board continued this case until July 18, 2006.

**NEW BUSINESS:**

**C2006-0139:    Ocean Palms Beach Club, Inc.**

**[Served]**

Violation of §303.1 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior of the buildings have not been maintained in good repair, is no longer structurally sound and sanitary and poses a threat to the public health, safety and welfare located at 2601 S Atlantic Avenue.

Violation of §303.2 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior wood surfaces of the buildings have not been protected from the elements and decay by painting or other protective covering or treatment located at 2601 S Atlantic Avenue.

Violation of §303.4 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted structural members have deteriorated and are no longer capable of supporting the imposed dead and live loads located at 2601 S Atlantic Avenue.

Violation of §303.5 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the foundation walls are no longer plumb and have open cracks located at 2601 S Atlantic Avenue.

Violation of §303.6 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior walls have not been kept free from holes, breaks, loose or rotting materials and maintained weatherproof and properly coated to prevent deterioration located at 2601 S Atlantic Avenue.

Violation of §303.7 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the roofs have not been maintained which causes the interior to be exposed to the elements including rain that is causing deterioration to the interior of the building located at 2601 S Atlantic Avenue.

Violation of §303.11 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior stairs and landing are no longer structurally sound located at 2601 S Atlantic Avenue.

Violation of §304.1 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the interior of the building is no longer structurally sound and unsanitary located at 2601 S Atlantic Avenue.

Violation of §304.3 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the interior surfaces, including windows and doors, are no longer in good, clean and sanitary condition located at 2601 S Atlantic Avenue.

**C2006-0276: Diana Williams**

**[Served]**

Violation of §74-146 of the City Code of Ordinances by permitting or causing to be permitted construction a business operation (Diana Williams, Real Estate Agent) without having paid the occupational license tax located at Weichert Realtor®, 301 Flagler Avenue.

**C2006-0294: Robert & Irena Lasic**

**[Served]**

Violation of §26-171 of the City Code of Ordinances by permitting or causing to be permitted construction (reroof and addition) without the required permit located at 506 Ball Street.

Violation of §66.32 of the City Code of Ordinances by permitting or causing to be permitted trash receptacles to be in public view location at 506 Ball Street.

**C2006-0342: SE Conference Association**

**[Served]**

Violation of §108.1.3 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted a structure to exist that is unfit for human occupancy because of the degree to which the structure is in disrepair, is unsanitary, lacks ventilation, illumination, sanitary facilities, heating facilities and other essential equipment required by the International Property Maintenance Code located at 608 Washington Street.

**C2006-0370: Nancy W. Breiner & Anna Kay Caulfield Co/Tr**

**[Served]**

Violation of §102.2 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted a structure to exist with the equipment, systems, devices and safeguards required by the International Property Maintenance Code, or the code under which the structure was constructed, altered or repaired, to no longer be maintained in good working order located at 3400 S. Atlantic Avenue.

Violation of §38-113. (a) of the City Code of Ordinances by permitting or causing to be permitted discarded and abandoned waste material upon the subject property located at 3400 S. Atlantic Avenue.

Violation of §74-146. of the City Code of Ordinances by permitting or causing to be permitted the operation of a business (Chance's Valet Service) without having paid the occupational license tax located at 3400 S. Atlantic Avenue.

Violation of §604.14. B. of the City Code of Ordinances by permitting or causing to be permitted private signs placed upon public property located at 3400 S. Atlantic Avenue.

**REPEAT BUSINESS:**

**DISCUSSION:**

**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:

Inga Campbell  
Administrative Specialist  
% City Hall  
210 Sams Avenue  
New Smyrna Beach, FL 32168-9985  
Telephone: 386.424.2242  
Fax: 386.424.2143