

CITIZENS CODE ENFORCEMENT BOARD

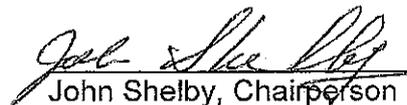
NOTICE OF HEARING

November 17, 2009

Members:

John Shelby (Chair)  
Michael Slayton (Vice Chair)  
P.J. (Pat) Arvidson  
Keith Gerhartz  
Ken Taylor  
Katharine (Kathy) L. Cooley  
Vacant seat

**THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION** of a hearing of the Citizens Code Enforcement Board, to be held on TUESDAY, NOVEMBER 17, 2009 at 4:30 P.M. in the **CITY COMMISSION CHAMBERS AT CITY HALL, 210 SAMS AVE, NEW SMYRNA BEACH, FLORIDA**, for consideration of the following:

  
\_\_\_\_\_  
John Shelby, Chairperson  
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**

October 20, 2009

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.**

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.

Mr. Dannehower is requesting a modification to the Board's Order dated July 15, 2008.

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.

January 20, 2009: Review of the first quarterly report per the Board's Order dated the 16<sup>th</sup> day of September 2008.

March 17, 2009: Review of the second quarterly report per the Board's Order dated the 16<sup>th</sup> day of September 2008.

July 21, 2009: Review of the third quarterly report per the Board's Order dated the 16<sup>th</sup> day of September 2008.

August 18, 2009: The Board modified its Board Order dated the 16<sup>th</sup> day of September and extended the compliance date from September 15, 2009 to November 17, 2009.

**C2009-0311: Ronald & Linda McHale 726 Neal Street (Posted)**

Permitting or causing to be permitted construction (modified roof) without the required permits in violation of §105.1 of the Florida Building Code.

October 20, 2009: The Board found Ronald & Linda McHale in non-compliance and gave Ronald & Linda McHale 30-days to bring the property into compliance or face a fine of \$50.00 per day for each and every day the violation occurs.

**VII. NEW BUSINESS:**

**C2009-0346: Shiny Brite II 1324 SR 44 (SERVED)  
In Compliance**

Permitting or causing to be permitted installation of a sign without the required sign permit in violation of §604.14 D. of the Land Development Regulations.

**C2009-0351: Budget Rent-A-Car 715 N. Dixie Freeway**

- (A) Permitting or causing to be permitted a business operation (Budget Rent-A-Car System, Inc.) without having paid the business license tax in violation of Article V. Occupational Licenses, §74-146. of City Code of Ordinances.
- (B) Permitting or causing to be permitted prohibited signs upon the subject property in violation of §604.14 B. of the Land Development Regulations.

**C2009-0557: Ocean Reef Villas 1571 S. Atlantic Avenue  
Condo Association**

Permitting or causing to be permitted construction (beach access stairs) without the required permits in violation of §105.1 of the Florida Building Code.

**C2009-0702: Brian Blackwelder 1571 S. Atlantic Ave. (SERVED)**

Permitting or causing to be permitted construction (beach access stairs) without the required permits in violation of §105.1 of the Florida Building Code.

**C2009-0710: TBC Retail Group, Inc. 1698 State Road 44**

- (A) Permitting or causing to be permitted the use of prohibited signs in violation of Article VI. Development Design & Improvement Standards, §604.14 B. of the Land Development Regulations.

**VIII. REPEAT BUSINESS:**

**IX. 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:

% City Hall  
210 Sams Avenue  
New Smyrna Beach, FL 32168-9985  
Telephone: 386.424.2100  
Fax: 386.424.2206