



City of Deltona

Special Magistrate
Charles Cino

Director, Building &
Enforcement Services
Dale Baker, CEP

Hearing Clerk
Sonjia Kihlmire

Administrative Support

**SPECIAL MAGISTRATE CODE ENFORCEMENT
HEARING
WEDNESDAY, June 26, 2013**

**DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA**

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SPECIAL MAGISTRATE STATEMENT
4. DISCLOSURE OF EX PARTE COMMUNICATIONS
5. APPROVAL OF MINUTES
 - A. Minutes: Meeting – May 22, 2013
6. ANNOUNCEMENTS
7. SWEARING IN OF OFFICERS AND WITNESSES
8. OLD BUSINESS:

Enforcement Services Department
2345 Providence Blvd. Deltona, FL 32725
(386) 878-8700; FAX: (386) 789-7237
City Webpage: www.deltonafl.gov

A. DEL-13-027

**Randy Lee and Susan Bergman
23 Leslie Cove, Cartersville, GA 30121
Property Address: 1194 Gage Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-38-14-0120**

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.7, which states that the roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. (Enforcement Services Officer Steve Braukhoff)

B. DEL-13-087

**Michelle R. Evans (Life Estate) c/o Andrew B. Kelly
P.O. Box 201, Deland, Florida 32721
Property Address: 1429 Birwood St., Deltona, Florida 32725
Parcel No.: 30-18-31-11-51-0150**

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Lonnie Wilson)

C. DEL-13-088

**THR Florida LP
5909 Hampton Oaks Bldg 1, Ste G, Tampa, Florida 33610
Property Address: 1202 Voyager St., Deltona, Florida 32725
Parcel No.: 30-18-31-05-45-0010**

Violation of City of Deltona Ordinance, Section 18-3, which adopts the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit(s) for the fence. (Enforcement Services Officer Shanna Hogan)

D. DEL-13-090

THR Florida LP

5909 Hampton Oaks Bldg 1, Ste G, Tampa, Florida 33610

Property Address: 1202 Voyager St., Deltona, Florida 32725

Parcel No.: 30-18-31-05-45-0010

Violation of City of Deltona Ordinance, Section 18-3, which adopts the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit(s) for the A/C change out. (Enforcement Services Officer Shanna Hogan)

E. DEL-13-099

Betty L. Moseley Foulks and Deja Alexander

3461 Monument Dr., Deltona, Florida 32738-9459

Property Address: 3461 Monument Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-62-06-0010

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.13, which states that every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. (Enforcement Services Officer Julie Hughes)

F. DEL-13-100

Betty L. Moseley Foulks and Deja Alexander

3461 Monument Dr., Deltona, Florida 32738-9459

Property Address: 3461 Monument Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-62-06-0010

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.7, which states that the roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. (Enforcement Services Officer Julie Hughes)

G. DEL-13-105

**Trust Reliable LLC TR
688 Elwood St., Deltona, Florida 32725
Property Address: 688 Elwood St., Deltona, Florida 32725
Parcel No.: 30-18-31-03-58-0070**

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Richard Lovett)

H. DEL-13-106

**Trust Reliable LLC TR
688 Elwood St., Deltona, Florida 32725
Property Address: 688 Elwood St., Deltona, Florida 32725
Parcel No.: 30-18-31-03-58-0070**

Violation of City of Deltona Ordinance, Section 18-5, which adopting the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, fences and walls, shall be maintained and kept in good repair and sound structural condition. (Enforcement Services Officer Richard Lovett)

9. New Business:

A. DEL-13-109

**Reginah O. Akintunde-Akinwole
c/o Tranco Title Inc.
16242 SW 18 Street, Miramar, Florida 33027
Property Address: 1031 Deltona Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-10-11-0150**

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 602.3 (2), which states that in areas where the average monthly temperature is above 30 degrees Fahrenheit (-1degree Celsius) a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained. (Enforcement Services Officer Shanna Hogan)

B. DEL-13-110

**Reginah O. Akintunde-Akinwole
c/o Tranco Title Inc.
16242 SW 18 Street, Miramar, Florida 33027
Property Address: 1031 Deltona Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-10-11-0150**

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.13, which states that every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. (Enforcement Services Officer Shanna Hogan)

C. DEL-13-111

Reginah O. Akintunde-Akinwole
c/o Tranco Title Inc.
16242 SW 18 Street, Miramar, Florida 33027
Property Address: 1031 Deltona Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-10-11-0150

Violation of City of Deltona Ordinance, Section 18-5, which adopts the International Property Maintenance Code, Section 504.1, which states that all plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. (Enforcement Services Officer Shanna Hogan)

D. DEL-13-112

Reginah O. Akintunde-Akinwole
c/o Tranco Title Inc.
16242 SW 18 Street, Miramar, Florida 33027
Property Address: 1031 Deltona Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-10-11-0150

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 304.2, which states that all exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, and shall be kept in sound working condition and maintained in good repair. (Enforcement Services Officer Shanna Hogan)

E. DEL-13-113

Reginah O. Akintunde-Akinwole
c/o Tranco Title Inc.
16242 SW 18 Street, Miramar, Florida 33027
Property Address: 1031 Deltona Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-10-11-0150

Violation City of Deltona Ordinance, Section 18-5, reference to 304.6, adopting the latest edition of the International Property Maintenance Code, which states that exterior walls shall be free from holes, breaks, loose or rotting surfaces and the surface properly coated where required to prevent deterioration. (Enforcement Services Officer Shanna Hogan)

F. DEL-13-114

Reginah O. Akintunde-Akinwole

c/o Tranco Title Inc.

16242 SW 18 Street, Miramar, Florida 33027

Property Address: 1031 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-10-11-0150

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.7, which states that the roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. (Enforcement Services Officer Shanna Hogan)

G. DEL-13-115

Reginah O. Akintunde-Akinwole

c/o Tranco Title Inc.

16242 SW 18 Street, Miramar, Florida 33027

Property Address: 1031 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-10-11-0150

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 305.3, which states that all interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decaying wood and other defective surface conditions shall be corrected. (in garage near plumbing for laundry) (Enforcement Services Officer Shanna Hogan)

H. DEL-13-116

Reginah O. Akintunde-Akinwole

c/o Tranco Title Inc.

16242 SW 18 Street, Miramar, Florida 33027

Property Address: 1031 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-10-11-0150

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 603.1, which states that all mechanical appliances, fireplaces, solid fuel burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. (Enforcement Services Officer Shanna Hogan)

I. DEL-13-117

Reginah O. Akintunde-Akinwole

c/o Tranco Title Inc.

16242 SW 18 Street, Miramar, Florida 33027

Property Address: 1031 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-10-11-0150

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 604.3, which states where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard. (Enforcement Services Officer Shanna Hogan)

J. DEL-13-118

Nevada Real Estate Holdings TR

3308 Buckland St. Trust

P.O. Box 1241, Titusville, Florida 32780

Property Address: 3308 Buckland St., Deltona, Florida 32738

Parcel No.: 30-18-31-36-29-0020

Violation City of Deltona Ordinance, Section 22-235(a), October 1 of each year, or at the same time thereafter as residential property is first offered for rent, the owner of record of each dwelling unit or rooming house in which residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the city for a local business tax receipt to engage in the business of renting residential property, setting forth the address, classification (whether single-family, multiple-family or rental room), and the local point of contact person of each dwelling unit to be issued a business tax receipt for rental, in such form or forms as the City of Deltona shall from time to time designate, together with such fees as the city commission may from time to time adopt by resolution. An agent of one or more owners may apply for multiple tax receipts, upon certifying that the agent has received written authorization from each owner represented provided that such authorization acknowledges receipt of a copy of this ordinance and applicable sections of the International Property Maintenance Code and acknowledges that failure to abide by this ordinance or other applicable codes and ordinances may result in a lien upon the property of the owner. The owner of record shall notify the city within 30 days when the local point of contact person changes. (Enforcement Services Officer Julie Hughes)

K. DEL-13-119

American Home Real Estate Partnership III LP

57 Executive Park Dr. S, Ste 120, Atlanta, GA 30329

Property Address: 3352 Merchant Terrace, Deltona, Florida 32738

Parcel No.: 30-18-31-36-26-0120

Violation of City of Deltona Ordinance, Section 18-3, which adopts the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit(s) for the air conditioning unit. (Enforcement Services Officer Julie Hughes)

L. DEL-13-120

Lillian C. Mack

2060 Montecito Ave., Deltona, Florida 32738

Property Address: 2060 Montecito Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-64-01-0080

Violation City of Deltona Ordinance, Section 66-56, which prohibits all vehicles that are inoperable, wrecked, partially dismantled or otherwise mechanically incapable of being operated in their present condition, or are without a current state license tag if required, unless parked in a fully enclosed garage. (Enforcement Services Officer Danita Thompson)

M. DEL-13-121

Lillian C. Mack

2060 Montecito Ave., Deltona, Florida 32738

Property Address: 2060 Montecito Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-64-01-0080

Violation of City of Deltona Ordinance, Section 38-110 (1), which states that weeds, where the greater portion of weeds on the lot exceeds 12 inches in height, are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Danita Thompson)

N. DEL -13-122

Lillian C. Mack

2060 Montecito Ave., Deltona, Florida 32738

Property Address: 2060 Montecito Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-64-01-0080

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Danita Thompson)

O. DEL-13-123

Lillian C. Mack

2060 Montecito Ave., Deltona, Florida 32738

Property Address: 2060 Montecito Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-64-01-0080

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 303.1, which states that swimming pools shall be maintained in a clean and sanitary condition, and in good repair. (Enforcement Services Officer Danita Thompson)

P. DEL-13-125

Irv H. Lichtenwald TR

Irv H. Lichtenwald Rvoc Trust

1131 Clay St., San Francisco, CA 94108-1405

Property Address: 2812 Kraft Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-63-12-0010

Violation City of Deltona Ordinance, Section 22-235(a), October 1 of each year, or at the same time thereafter as residential property is first offered for rent, the owner of record of each dwelling unit or rooming house in which residential quarters are rented or offered for rent to persons other than the owner or owner's immediate family, shall make written application to the city for a local business tax receipt to engage in the business of renting residential property, setting forth the address, classification (whether single-family, multiple-family or rental room), and the local point of contact person of each dwelling unit to be issued a business tax receipt for rental, in such form or forms as the City of Deltona shall from time to time designate, together with such fees as the city commission may from time to time adopt by resolution. An agent of one or more owners may apply for multiple tax receipts, upon certifying that the agent has received written authorization from each owner represented provided that such authorization acknowledges receipt of a copy of this ordinance and applicable sections of the International Property Maintenance Code and acknowledges that failure to abide by this ordinance or other applicable codes and ordinances may result in a lien upon the property of the owner. The owner of record shall notify the city within 30 days when the local point of contact person changes. (Enforcement Services Officer Dennis Mues)

Q. DEL-13-126

Ricardo Zuniga

535 Tulane Dr., Altamonte Springs, Florida 32174

Property Address: 1500 Randolph St., Deltona, Florida 32725

Parcel No.: 30-18-31-11-21-0010

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, fences and walls, shall be maintained and kept in good repair and sound structural condition. (Enforcement Services Officer Dennis Mues)

R. DEL-13-127

Armando and Wanda Alice Mendoza
1801 Amero Ave., Deltona, Florida 32725
Property Address: 1801 Amero Ave., Deltona, Florida 32725
Parcel No.: 30-18-31-65-06-0070

Violation of City of Deltona Ordinance, Section 18-3, which adopts the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit(s) for the air conditioning unit/change out. (Enforcement Services Officer Danita Thompson)

S. DEL-13-128

Lazaro and Isabel Diaz
578 Alexander Ave., Deltona, Florida 32725-8351
Property Address: 578 Alexander Ave., Deltona, Florida 32725
Parcel No.: 30-18-31-12-06-0220

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, fences and walls, shall be maintained and kept in good repair and sound structural condition (fence in disrepair). (Enforcement Services Officer Shanna Hogan)

T. DEL-13-129

Tristan Joseph Wegman
870 Shape Acres Rd., Mt. Dora, Florida 32757
Property Address: 1441 Stillwater Ave., Deltona, Florida 32757
Parcel No.: 30-18-31-30-18-0310

Violation of City of Deltona Ordinance, Section 66-20, which states that motor vehicles shall not be parked anywhere within that portion of the lot lying across the full width of the lot between the front lot line and front most part of the principle structure, except on approved driveways or driveway extensions. (Enforcement Services Officer Shanna Hogan)

U. DEL-13-130

Kay L. Popps

1340 Hartley Ave., Deltona, Florida 32725

Property Address: 1340 Hartley Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-01-12-0340

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Shanna Hogan)

V. DEL-13-131

Tracy Cochran

1444 Falmouth Ave., Deltona, Florida 32725

Property Address: 1444 Falmouth Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-30-06-0070

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety.

Violation of City of Deltona Ordinance, Section 38-114, which states that furniture outside must be designed to be placed outdoors or stored inside a covered structure. In addition, storage of materials relating to residential use, children's play toys, firewood, brush, logs or any other material intended to be used in fireplaces or other permitted burning facilities, shall be permitted only in the rear yard to the rear wall of the home. (Enforcement Services Officer Lonnie Wilson)

W. DEL-13-132

MGA Properties LLC

921 Town Center Dr., #100, Orange City, Florida 32763

Property Address: 1599 Piedmont Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-03-25-0140

Violation of City of Deltona Ordinance, Section 98-77. Stormwater Management (c) "It shall be unlawful for any person or persons to deposit non-stormwater materials" as specified in the State of Florida Department of Environmental Protection Generic Permit for Discharge of Stormwater from Phase II Municipal Separate Storm Sewer Systems (FDEP Document 62-621.300(7)(a)) "Into storm conveyance systems", except those noted in FDEP Doc. 62-621.300(7)(a)(I)(B) Limitations on Coverage which states:

1. In compliance with a separate NPDES permit; or,
2. Within one of the following categories of non-stormwater discharges; provided they do not cause a violation of water quality standards: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensate, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering runoff, water from individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, residual street wash water, and discharges or flows from fire fighting activities. (Enforcement Services Officer Danny Ron)

X. DEL-13-133

Steven and Jeannie Shinn

2131 Shadow Ridge Dr., Deltona, Florida 32725

Property Address: 2131 N. Shadow Ridge Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-26-11-0040

Violation of City of Deltona Ordinance, Section 74-51, Public Right of Way Regulations. e) Prohibited structures. Any sporting equipment temporarily or permanently placed (e.g. basketball goals) or homemade or other non-conforming traffic control devices are strictly not permitted as a matter of safety. Violators shall be subject to the fine provisions of this article. (Enforcement Services Officer Danny Ron)

10. OTHER and REPEAT BUSINESS:

A. DEL-13-092 – Repeat DEL-12-119

Laurie D. Johnson

1195 Acorn Court, Deltona, Florida 32725

Property Address: 1195 Acorn Court, Deltona, Florida 32725

Parcel No.: 30-18-31-02-20-0260

Violation of City of Deltona Ordinance, Section 38-110 (2), which states that accumulations of waste, yard trash, rubble and/or debris are declared to be a nuisance and must be abated in their entirety. (Enforcement Services Officer Lonnie Wilson)

B. DEL-05-002

Pedro E. Velez

626 East Normandy Blvd., Deltona, Florida 32725

Property Address: 626 East Normandy Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-01-11-0360

Violation of City of Deltona Ordinance, Section 18-191, which adopted the Standard Housing Code, 1997 Edition, Section 110, which stated that a permit was needed for the room addition. (Enforcement Services Officer Mark Gibson)

The Respondents are requesting a recommendation for a reduction in Fine. The violator came into Compliance 127 days after the time designated by the Special Magistrates Order/Code Board. Currently the fine amount is \$6,350.00.

C. Hearing Request for Notice of Violation

William McCurdy

2258 N. Normandy Blvd., Deltona, Florida 32725

Property Address: 2258 N. Normandy Blvd., Deltona, Florida 32725

Violation of City of Deltona Ordinance, Section 66-63, which refers to abandoned, untagged, wrecked, discarded, junked, inoperative, or partially dismantled vehicle(s) or vessel(s) and/or parts thereof on private residential property. (Enforcement Services Officer Mark Gibson)

Mr. McCurdy filed a written request for a Hearing on this matter, within the 10 days of posting.

11. DISCUSSION:

A. By the Special Magistrate

B. By the Enforcement Services Director

12. ADJOURNMENT

NOTE: If any person decides to appeal any decision made by the Code Enforcement Special Magistrate with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence which the appeal is to be based. (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, at least three (3) working days in advance of the meeting date and time at (386) 878-8100.