



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Minutes

### Special Magistrate

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**Wednesday, March 23, 2016**

**5:30 PM**

**Deltona Commission Chambers**

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#### **1. CALL TO ORDER:**

The meeting was called to order at 5:30 p.m. by Special Magistrate Cino.

#### **2. PLEDGE TO THE FLAG:**

#### **3. ROLL CALL:**

Special Magistrate Charles Cino present.

Hearing Clerk Dana Johnson present.

Enforcement Services Supervisors Mark Gibson and Richard Lovett present.

#### **4. SPECIAL MAGISTRATE STATEMENT:**

Presented by Charles Cino.

Mr. Cino has taken Judicial Notice of all City of Deltona Ordinances, State Statutes, Florida Building and Fire Code and the International Property Maintenance Code.

#### **5. DISCLOSURE OF EX PARTE COMMUNICATIONS:**

None.

#### **6. APPROVAL OF AGENDA & MINUTES:**

The Minutes of the Special Magistrate Hearing for February 24, 2016 were approved by the Special Magistrate, Charles Cino.

#### **7. ANNOUNCEMENTS:**

The Supervisor of the Building and Enforcement Services Department stated that under Old Business, cases(s) DEL-15-259, DEL-16-033, and DEL-16-047 are/were in compliance and DEL-16-059 is/was continued, and under New Business, case(s) DEL-16-064, DEL-16-065, DEL-16-066, and DEL-16-067, were found to be in non compliance at the time of violation, came into compliance and cases are/were dismissed, and case(s) DEL-16-062, DEL-16-078, and DEL-16-079 are/were withdrawn.

**8. SWEARING IN OF OFFICERS AND WITNESSES:**

Special Magistrate Charles Cino swore in all that were present to testify.

**9. OLD BUSINESS:****A. DEL-15-268**

**Wanda Hogancamp**

**2491 Greenbrier St., Deltona, Florida 32738**

**Property Address: 2491 Greenbrier St., Deltona, Florida 32738**

**Parcel No.: 30-18-31-41-20-0050**

**Violation: City of Deltona Ordinance, Section 18-3, adopting 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 for the pergola on your property. (Officer Wes Rigdon)**

Order Imposing Penalty/Lien was issued for \$100.00 a day effective April 28, 2016 until in compliance or the cap of \$20,000.00 is reached. Wanda Hogancamp was present.

**B. DEL-15-259****Miguel A. & Evan L. Cardi****1168 Snowden Ave., Deltona, Florida 32725****Property Address: 1168 Snowden Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-55-22-0090**

**Violation: City of Deltona Ordinance, Section 18-3, adopting 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. (Officer Tray Black)**

Affidavit of Compliance submitted by the officer and an Order of Compliance was signed by the Special Magistrate.

**C. DEL-16-010****Harmony Clinic****1948 Saxon Blvd., Deltona, Florida 32725****Property Address: 1948 Saxon Blvd., Deltona, Florida 32725****Parcel No.: 30-18-31-03-37-0090**

**Violation: City of Deltona Ordinance, Section 18-3, adopting 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. (Officer Dennis Mues)**

Case was continued until the April 27, 2016 Code Hearing for status report. H. Lester Carrero and Attorney Hector Cuprill were present and gave testimony.

**NEW BUSINESS:**

**J. DEL-16-073****Harmony Clinic****% H Lester Carrero****1948 Saxon Blvd., Deltona, Florida 32725****Property Address: 1948 Saxon Blvd., Deltona, Florida 32725****Parcel No.: 30-18-31-03-37-0090**

**Violation: City of Deltona Ordinance, Chapter 22, Section 22-4, which states no person shall engage in, manage, transact, or carry on any business, occupation or profession within the City for which there is a local business tax required by this article or any other provisions of this Code unless such person shall first procure a local business receipt ("receipt") to conduct the same from the City. It shall be no defense of nonpayment of any local business tax required by this article that the licensee did not receive any bill or notice that the same was due from the city. (Officer Dennis Mues)**

Case was continued until the April 27, 2016 Code Hearing. H. Lester Carrero and Attorney Hector Cuprill were present.

**OLD BUSINESS:****D. DEL-16-033****Wilbur L. Larson & Lezley A. Larson JTRS****1130 E. Normandy Blvd., Deltona, Florida 32725****Property Address: 1130 E. Normandy Blvd., Deltona, Florida 32725****Parcel No.: 30-18-31-05-65-0080**

**Violation: 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. (Officer Julie Hughes)**

Affidavit of Compliance submitted by the officer and an Order of Compliance was signed by the Special Magistrate.

**E. DEL-16-034****Daniel W. & Maria C. Voss****1684 Monticello St., Deltona, Florida 32725****Property Address: 1066 Leeward Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-17-06-0150**

**Violation: City of Deltona Ordinance, Section 18-3, adopting 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. (Officer Tray Black)**

Order Imposing Penalty/Lien was issued for \$100.00 a day effective April 28, 2016 until in compliance or the cap of \$20,000.00 is reached. Maria Voss was present.

**F. DEL-16-039****Richard Emerson****2271 Weatherford Dr., Deltona, Florida 32738****Property Address: 1482 Keeling Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-43-60-0070**

**Violation: City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 305.3 Interior surfaces. 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, decayed wood and other defective surface conditions shall be corrected. (Officer Julie Hughes)**

Order Imposing Penalty/Lien was issued for \$50.00 a day (each case) effective April 28, 2016 until in compliance or the cap of \$10,000.00 (each case) is reached.

**G. DEL-16-040****Richard Emerson****2271 Weatherford Dr., Deltona, Florida 32738****Property Address: 1482 Keeling Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-43-60-0070**

**Violation: City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects. (Officer Julie Hughes)**

Order Imposing Penalty/Lien was issued for \$50.00 a day (each case) effective April 28, 2016 until in compliance or the cap of \$10,000.00 (each case) is reached.

**H. DEL-16-041****Richard Emerson****2271 Weatherford Dr., Deltona, Florida 32738****Property Address: 1482 Keeling Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-43-60-0070**

**Violation: City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 603.1 Mechanical appliances. 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. (Officer Julie Hughes)**

Order Imposing Penalty/Lien was issued for \$50.00 a day (each case) effective April 28, 2016 until in compliance or the cap of \$10,000.00 (each case) is reached.

**I. DEL-16-043****Jessie F. & Melody McLean****2541 Candlewick Dr., Deltona, Florida 32738****Property Address: 2541 Candlewick Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-45-03-0030**

**Violation: City of Deltona Ordinance, Section 18-5 adopting 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. (Officer Wesley Rigdon)**

Order Imposing Penalty/Lien was issued for \$50.00 a day effective March 23, 2016 until in compliance or the cap of \$10,000.00 is reached.

**J. DEL-16-047****Darrell R. Jr. & Mary Cantrell****1320 Braddock Rd., Deltona, Florida 32725****Property Address: 1320 Braddock Rd., Deltona, Florida 32725****Parcel No.: 05-19-31-02-00-0081**

**Violation: 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. (Officer Heather Murray)**

Affidavit of Compliance submitted by the officer and an Order of Compliance was signed by the Special Magistrate.

**K. DEL-16-053****Luxury Home Investment of CFL****19935 Villa Isle Dr., Apt. 204, Orlando, Florida 32821****Property Address: 2800 Derby Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-32-76-0100**

**Violation: City of Deltona Ordinance, Section 18-3, adopting 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. (Officer Steve Braukhoff)**

Order Imposing Penalty/Lien was issued for \$100.00 a day effective March 23, 2016 until in compliance or the cap of \$20,000.00 is reached.

**L. DEL-16-054****Guillermo & Gladys Alicea****334 Maguire St., Deltona, Florida 32725****Property Address: 2341 Hadley St., Deltona, Florida 32738****Parcel No.: 30-18-31-74-15-0160**

**Violation: City of Deltona Ordinance, Section 18-5, adopting 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. (Officer Steve Braukhoff)**

Order Imposing Penalty/Lien was issued for \$50.00 a day (each case) effective March 23, 2016 until in compliance or the cap of \$10,000.00 (each case) is reached.

**M. DEL-16-055****Guillermo & Gladys Alicea****334 Maguire St., Deltona, Florida 32725****Property Address: 2341 Hadley St., Deltona, Florida 32738****Parcel No.: 30-18-31-74-15-0160**

**Violation: City of Deltona Ordinance, Section 18-5, adopting 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. (Officer Steve Braukhoff)**

Order Imposing Penalty/Lien was issued for \$50.00 a day (each case) effective March 23, 2016 until in compliance or the cap of \$10,000.00 (each case) is reached.

**N. DEL-16-059****Virgil & Lori Smith****3728 Pamona St., Deltona, Florida 32738****Property Address: 3728 Pamona St., Deltona, Florida 32738****Parcel No.: 30-18-31-62-26-0140**

**Violation: City of Deltona Ordinance, Section 18-3, adopting 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. (Officer Julie Hughes)**

Case was continued until the April 27, 2016 Code Hearing.

**10. NEW BUSINESS:**

**A. DEL-16-060****Joseph Genest****501 Fuller Ave., Deltona, Florida 32725****Property Address: 501 Fuller Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-05-19-0090**

**Violation: 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. (Officer Heather Murray)**

Order to Abate was issued by the Special Magistrate effective March 23, 2016.

**B. DEL-16-062****Marie Russell & Carol Bonfiglio****2591 Elkcam Blvd., Deltona, Florida 32738****Property Address: 2591 Elkcam Blvd., Deltona, Florida 32738****Parcel No.: 30-18-31-64-11-0070**

**Violation: City of Deltona Ordinance, Section 37-9. - Full utilities required for occupancy. No person(s) shall occupy any property in the city unless such property is properly and legally serviced by both electricity and water, (with electricity and water turned on), provided to the specific location by the utility provider in the area. If a property legally receives its water from a well located on the property, water service through a utility company is not required. If a property legally receives sufficient power to power the entire property through solar devices, electric service through a utility company is not required. If any person is found to be occupying any property in violation of this section, the special magistrate shall enter an order providing for the removal of all persons occupying such property. (Officer Mark Gibson)**

Withdrawn.

**C. DEL-16-064****Mirna L. Mazzella****611 Everett St., Deltona, Florida 37225-3216****Property Address: 611 Everett St., Deltona, Florida 37225-3216****Parcel No.: 30-18-31-03-61-0320**

**Violation: City of Deltona Ordinance, Section 66-18(a), which states that no vehicle greater than 10,000 pounds manufacturer's gross vehicle weight or designed to carry 16 or more passengers, or requiring a commercial driver's license (CDL) of any endorsement to operate shall be parked or stored in any residential or agricultural zoning district except in agricultural areas on lots of five acres or more. (Officer Dennis Mues)**

Found to be in Non-Compliance, executed actions to come into Compliance and case was Dismissed.

**D. DEL-16-065****Mirna L. Mazzella****611 Everett St., Deltona, Florida 37225-3216****Property Address: 611 Everett St., Deltona, Florida 37225-3216****Parcel No.: 30-18-31-03-61-0320**

**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. (Officer Dennis Mues)**

Found to be in Non-Compliance, executed actions to come into Compliance and case was Dismissed.

**E. DEL-16-066****Mirna L. Mazzella****611 Everett St., Deltona, Florida 37225-3216****Property Address: 611 Everett St., Deltona, Florida 37225-3216****Parcel No.: 30-18-31-03-61-0320**

**Violation: City of Deltona Ordinance, Section 66-18(h), "Restrictions on trucks and other vehicles" which states that a maximum of (2) vehicles may be parked in the side or rear yard. (Officer Dennis Mues)**

Found to be in Non-Compliance, executed actions to come into Compliance and case was Dismissed.

**F. DEL-16-067****Mirna L. Mazzella****611 Everett St., Deltona, Florida 37225-3216****Property Address: 611 Everett St., Deltona, Florida 37225-3216****Parcel No.: 30-18-31-03-61-0320**

**Violation: City of Deltona Ordinance, Section 110-827. Accessory uses and structures. c)Design standards. (1)(k): In all residential zoning districts for single-family projects only, accessory buildings, antennas and their supporting structures, and swimming pools shall be subject to the following requirements: Up to two sheds, not including other types of accessory buildings and structures, shall be permitted on a residential lot that is equal to or less than 20,000 square feet, so long as the sheds do not exceed 240 square feet in the aggregate. (Officer Dennis Mues)**

Found to be in Non-Compliance, executed actions to come into Compliance and case was Dismissed.

**G. DEL-16-068****Joseph Genest****501 Fuller Ave., Deltona, Florida 32725****Property Address: 501 Fuller Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-05-19-0090**

**Violation: 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. (Officer Heather Murray)**

Order to Abate was issued by the Special Magistrate effective March 23, 2016.

**H. DEL-16-069****Joseph Genest****501 Fuller Ave., Deltona, Florida 32725****Property Address: 501 Fuller Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-05-19-0090**

**Violation: City of Deltona Ordinance, Section 110-825. - Dumping-which states no lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste shall not be allowed to accumulate and shall not be kept except in sanitary containers, which shall be maintained in a clean and sanitary condition. (Officer Heather Murray)**

Order to Abate was issued by the Special Magistrate effective March 23, 2016.

**I. DEL-16-072****Mirna L. Mazzella****611 Everett St., Deltona, Florida 32725-3216****Property Address: 611 Everett St., Deltona, Florida 32725****Parcel No.: 30-18-31-03-61-0320**

**18-3, adopting 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. (Officer Dennis Mues)**

Order of Non Compliance with a Hearing to Impose Fine at the April 27, 2016 Code Hearing. Francesco Mazzella was present.

**K. DEL-16-074****FLTrust LLC TR****590 N. Apache Land Trust****424 E. Central Blvd., Orlando, Florida 32801****Property Address: 590 N. Apache Cir., Deltona, Florida 37225****Parcel No.: 30-18-31-03-40-0190**

**Violation: City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 308.1 Infestation - All structures shall be kept free from insect and rodent infestation. (Officer Dave DeKruif)**

Order Imposing Penalty/Lien was issued for \$250.00 a day effective March 23, 2016 until in compliance or the cap of \$20,000.00 is reached. Eric Gonzalez (tenant) and Mike Beery (Central Florida Wildlife Removal) gave testimony.

**L. DEL-16-075****Firstkey Mortgage LLC****4 International Drive Ste. 110, Rye Brook, NY 10573****Property Address: 1143 E. Hancock Dr., Deltona, Florida 32725****Parcel No.: 30-18-31-05-74-0160**

**Violation: City of Deltona Ordinance, Section 37-10. - Public nuisance. All blighted and distressed real properties are hereby declared to be public nuisances, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the city. (Officer Dennis Mues)**

Order Imposing Penalty/Lien was issued for \$100.00 a day effective March 23, 2016 until in compliance or the cap of \$10,000.00 is reached.

**M. DEL-16-076****Jacquelyn E. Schock****3366 Courtland Blvd., Deltona, Florida 32738****Property Address: 3366 Courtland Blvd., Deltona, Florida 32738****Parcel No.: 30-18-31-34-28-0040**

**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. (Officer Steve Braukhoff)**

Order of Non Compliance with a Hearing to Impose Fine at the April 27, 2016 Code Hearing. Jackee Schock was present and Tim Hudzik was present and gave testimony.

**N. DEL-16-078****Jeremiah A. & Laura Kovic****1145 Fountainhead Dr., Deltona, Florida 32725-6353****Property Address: 1145 Fountainhead Dr., Deltona, Florida 32725****Parcel No.: 30-18-31-10-19-0250**

**Violation: 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. (Officer Danny Ron)**

Withdrawn.

**O. DEL-16-079****Jeremiah A. & Laura Kovic****1145 Fountainhead Dr., Deltona, Florida 32725-6353****Property Address: 1145 Fountainhead Dr., Deltona, Florida 32725****Parcel No.: 30-18-31-10-19-0250**

**Violation: 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.(Officer Danny Ron)**

Withdrawn.

**P. DEL-16-080****EXE LLC****9900 Sterling Rd. #304, Cooper City, Florida 33024****Property Address: 1384 Rural Hall St., Deltona, Florida 32725****Parcel No.: 30-18-31-71-21-0080**

**Violation: City of Deltona Ordinance, Section 18-3, adopting 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. (Officer Danny Ron)**

Order of Non Compliance with a Hearing to Impose Fine at the April 27, 2016 Code Hearing.

**11. OTHER AND REPEAT BUSINESS:****12. DISCUSSION:****13. ADJOURNMENT:**

6:18 p.m.