

**CITY OF DELTONA, FLORIDA  
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES  
Wednesday, April 22, 2015**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, April 22, 2015 in the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

**1. CALL TO ORDER:**

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

**2. ROLL CALL:**

Special Magistrate	Charles Cino	Present
Hearing Clerk	Dana Johnson	Present
Director of Department	Dale Baker	Present

Also present were: Enforcement Services Officers Dave DeKruif, Dennis Mues, Lonnie Wilson, Shanna Hogan, Shawn Riggins, Richard Lovett, Heather Murray, and Steve Roland, Building Official.

**3. STATEMENT BY SPECIAL MAGISTRATE:**

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.

**4. PLEDGE OF ALLEGIANCE:**

**5. DISCLOSURE OF EX PARTE COMMUNICATIONS:** None

**6. APPROVAL OF MINUTES:**

The Minutes of the Special Magistrate Hearing for March 25, 2015 were approved, by Special Magistrate, Charles Cino.

**7. ANNOUNCEMENTS:**

The Director of the Building and Enforcement Services Department stated that under Old Business, case(s) DEL-15-087 is/was continued, and DEL-15-088 was found to be in Non-Compliance, came into compliance and case was dismissed, and under New Business case(s) DEL-15-107, DEL-15-111, DEL-15-112 is/was withdrawn, and case(s), DEL-15-103, DEL-15-104, DEL-15-105, DEL-15-106 and DEL-15-115, were found to have been in Non-Compliance, have come into compliance and cases are/were

dismissed, and under Repeat Business DEL-15-094 Repeat of DEL-11-123 an Affidavit of Compliance was submitted by the officer and an Order of Compliance issued by the Special Magistrate.

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

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

**9. OLD BUSINESS:**

**A. DEL-15-053**

**Sandra A. Agoo**

**1901 Greenview Dr., Deltona, Florida 32725**

**Property Address: 1901 Greenview Dr., Deltona, Florida 32725**

**Parcel No.: 30-18-31-08-39-0240**

**Violation** of City of Deltona Ordinance, Section 38-73. - Loud, disturbing or unnecessary noises. (c) Thus, the following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this article; but this enumeration shall not be deemed to be exclusive: (5) The using, operating or permitting to be played, used or operated of any radio, television, tape or record player, amplifier, musical instrument or other machine or device used for the production, reproduction or emission of sound. (Enforcement Services Officer Danny Ron)

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

**B. DEL-15-066**

**Lawrence A. Kent TR**

**235 River Village Dr., Debary, Florida 32713**

**Property Address: 840 Deltona Blvd. F1, Deltona, Florida 32725**

**Parcel No.: 36-18-30-14-00-0030**

**Violation** of 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 – permit for partition wall. (Enforcement Services Officer Dennis Mues)

Second Amended Order of Non Compliance with a Hearing to Impose Fine at the May 27, 2015 Code Hearing. Larry Kent was present.

**C. DEL-15-069**

**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 38-114, which states that storage of building materials, commercial and industrial equipment, materials, objects or waste relating to commercial or industrial uses, or any equipment, materials or objects that are not incidental to a residential use, shall be prohibited. (Enforcement Services Officer Lonnie Wilson)

Order Imposing Penalty/Lien was issued for \$100.00 a day effective April 22, 2015 until in compliance or the cap of \$20,000.00 is reached.

**D. DEL-15-073**

**Diana M. Lowery**

**94 Heather Ln., Deltona, Florida 32738**

**Property Address: 94 Heather Ln., Deltona, Florida 32738**

**Parcel No.: 30-18-31-60-02-0140**

**Violation** of 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. (Enforcement Services Officer Shanna Hogan)

Order Imposing Penalty/Lien was issued for \$100.00 a day effective April 22, 2015 until in compliance or the cap of \$20,000.00 is reached.

**E. DEL-15-075**

**Marinilda Alicea ETAL**

**1671 NE 177<sup>th</sup> St., N. Miami Beach, Florida 33160**

**Property Address: 877 Halstead St., Deltona, Florida 32725**

**Parcel No.: 30-18-31-28-16-0080**

**Violation** of 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 Lonnie Wilson)

Order Imposing Penalty/Lien was issued for \$100.00 a day effective April 22, 2015 until in compliance or the cap of \$20,000.00 is reached.

**F. DEL-15-078**

**Kenneth D. & Patricia Fry  
1076 Shady Hollow Dr., Deland, Florida 32724  
Property Address: 908 Rockhill St., Deltona, Florida 32725  
Parcel No.: 30-18-31-24-04-0170**

**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)

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

**G. DEL-15-080**

**Thomas Michael Barnett, Jr.  
524 Battersea Ave., Deltona, Florida 32738  
Property Address: 524 Battersea Ave., Deltona, Florida 32738  
Parcel No.: 30-18-31-21-07-0040**

**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 Tray Black)

Order Imposing Penalty/Lien was issued for \$100.00 a day effective April 22, 2015 until in compliance or the cap of \$20,000.00 is reached. Order to Abate was issued effective April 22, 2015.

**H. DEL-15-087**

**Richard D., Sr., & Betty Moreland  
1419 E. Hancock Dr., Deltona, Florida 32725  
Property Address: 1419 E. Hancock Dr., Deltona, Florida 32725  
Parcel No.: 30-18-31-30-19-0100**

**Violation** of 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 Heather Murray)

Case was continued until May 27, 2015.

**I. DEL-15-088**

**Rabindar K. Mangat**

**2743 Marsh Wren Cir., Longwood, Fl., 32779**

**Property Address: 1240 Wheeling Ave., Deltona, Florida 32725**

**Parcel No.: 30-18-31-07-43-0220**

**Violation** of 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 Heather Murray)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed.

**J. DEL-15-091**

**Elaine Diplacido EST**

**1768 E. Chapel Dr., Deltona, Florida 32725**

**Property Address: 2781 E. Canal Rd., Deltona, Florida 32738**

**Parcel No.: 30-18-31-74-54-0360**

**Violation** of City of Deltona Ordinance, Section 66-18 (e), which states that no vehicles may be parked or stored in the front yard forward of the edge of the principal dwelling except on the approved driveway or driveway extension. (Enforcement Services Officer Steve Braukhoff)

Order Imposing Penalty/Lien was issued for \$200.00 a day effective April 22, 2015 until in compliance or the cap of \$20,000.00 is reached.

**10. NEW BUSINESS:**

**A. DEL-15-096**

**Gregory & Marion S. Villecco**

**1179 Fountainhead Dr., Deltona, Florida 32725-6353**

**Property Address: 1179 Fountainhead Dr., Deltona, Fl., 32725**

**Parcel No.: 30-18-31-10-19-0200**

**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 Shawn Riggins)

Order of Non Compliance with a Hearing to Impose Fine at the May 27, 2015 Code Hearing.

**B. DEL-15-097**

**Gregory & Marion S. Villecco**  
**1179 Fountainhead Dr., Deltona, Florida 32725-6353**  
**Property Address: 1179 Fountainhead Dr., Deltona, FL, 32725**  
**Parcel No.: 30-18-31-10-19-0200**

**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 Shawn Riggins)

Order of Non Compliance with a Hearing to Impose Fine at the May 27, 2015 Code Hearing.

**C. DEL-15-098**

**Brenda Wilson Estes**  
**1395 Whitewood Dr., Deltona, Florida 32725**  
**Property Address: 1297 Bakersfield Ave., Deltona, FL, 32725**  
**Parcel No.: 30-18-31-07-48-0080**

**Violation** of 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 Lonnie Wilson)

Found to be in Non-Compliance, executed actions to come into Compliance and case was dismissed. Brenda Estes was present.

**D. DEL-15-099**

**Brenda Wilson Estes**  
**1395 Whitewood Dr., Deltona, Florida 32725**  
**Property Address: 1297 Bakersfield Ave., Deltona, FL, 32725**  
**Parcel No.: 30-18-31-07-48-0080**

**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 Lonnie Wilson)

Found to be in Non-Compliance, executed actions to come into Compliance and case was dismissed. Brenda Estes was present.

**E. DEL-15-100**

**Michael J. Chimento**

**955 S. Dean Cir., Deltona, Florida 32738**

**Property Address: 955 S. Dean Cir., Deltona, Florida 32738**

**Parcel No.: 30-18-31-40-44-0120**

**Violation** of 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 – permit for awning attached to shed. (Enforcement Services Officer Shanna Hogan)

Order of Non Compliance with a Hearing to Impose Fine at the May 27, 2015 Code Hearing. Michael Chimento was present.

**F. DEL-15-102**

**Elier Carvajal**

**26529 Old Bellamy Rd., High Springs, Fl. 32643**

**Property Address: 1077 E. Lombardy Dr., Deltona, Fl., 32725**

**Parcel No.: 30-18-31-02-33-0300**

**Violation** of 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 – permit for room addition. (Enforcement Services Officer Heather Murray)

Order of Non Compliance with a Hearing to Impose Fine at the June 24, 2015 Code Hearing. Elier Carvajal and Glenn Pacheco were present.

**G. DEL-15-103**

**Armando & Rosalba Hechavarria and  
Christabolina Marrero JTWRs  
1423 Hartley Ave., Deltona, Florida 32725-5677  
Property Address: 1423 Hartley Ave., Deltona, Florida 32725  
Parcel No.: 30-18-31-01-13-0160**

**Violation** of 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 – permit for bathroom addition. (Enforcement Services Officer Heather Murray)

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

**H. DEL-15-104**

**Sally A. Schweitzer-Haynes  
816 Crawford St., Deltona, Florida 32725  
Property Address: 816 Crawford St., Deltona, Florida 32725  
Parcel No.: 30-18-31-28-11-0190**

**Violation** of City of Deltona Ordinance, Section 14-2 (5). It is unlawful for a person to permit animals to become a public nuisance. An animal shall be declared a public nuisance animal if such animal: 5) Is on property in such numbers as exceeds the number limits placed on animals in this chapter. (Enforcement Services Officer Heather Murray)

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

**I. DEL-15-105**

**Sally A. Schweitzer-Haynes  
816 Crawford St., Deltona, Florida 32725  
Property Address: 816 Crawford St., Deltona, Florida 32725  
Parcel No.: 30-18-31-28-11-0190**

**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 Heather Murray)

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

**J. DEL-15-106**

**Sally A. Schweitzer-Haynes**  
**816 Crawford St., Deltona, Florida 32725**  
**Property Address: 816 Crawford St., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-28-11-0190**

**Violation** of City of Deltona Ordinance, Section 14-141(c) It shall be the duty of the owner or person responsible for any dog or cat brought into the city or acquired to have the dog or cat licensed in accordance with this division within 15 days after the dog or cat is brought into the city or acquired, or before the dog or cat reaches six months of age, whichever comes first. (Enforcement Services Officer Heather Murray)

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

**K. DEL-15-107**

**John J. Mosso TR**  
**John J. Mosso Living Trust**  
**1918 Greenview Dr., Deltona, Florida 32725**  
**Property Address: 1411 Independence Ave., Deltona, FL, 32725**  
**Parcel No.: 30-18-31-30-15-0110**

**Violation** of City of Deltona Ordinance, Section 14-141(c) It shall be the duty of the owner or person responsible for any dog or cat brought into the city or acquired to have the dog or cat licensed in accordance with this division within 15 days after the dog or cat is brought into the city or acquired, or before the dog or cat reaches six months of age, whichever comes first.. (Enforcement Services Officer Heather Murray)

Withdrawn.

**L. DEL-15-109**

**Hometown Community Development Corp.  
8711 Monroe Ct. Ste. A, Rancho Cucamonga, CA 91730  
Property Address: 1424 Meadowlark Dr., Deltona, FL., 32725  
Parcel No.: 30-18-31-07-52-0170**

**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 Dennis Mues)

Order of Non Compliance with a Hearing to Impose Fine at the May 27, 2015 Code Hearing.

**M. DEL-15-110**

**Hometown Community Development Corp.  
8711 Monroe Ct. Ste. A, Rancho Cucamonga, CA 91730  
Property Address: 1424 Meadowlark Dr., Deltona, FL., 32725  
Parcel No.: 30-18-31-07-52-0170**

**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 Dennis Mues)

Order of Non Compliance with a Hearing to Impose Fine at the May 27, 2015 Code Hearing.

**N. DEL-15-111**

**Bank of New York Mellon TR  
3815 South West Temple, Salt Lake City, UT 84115  
Property Address: 1168 Briarwood Ave., Deltona, FL., 32725  
Parcel No.: 30-18-31-55-21-0100**

**Violation** of 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. (Enforcement Services Officer Dennis Mues)

Withdrawn.

**O. DEL-15-112**

**Bank of New York Mellon TR  
3815 South West Temple, Salt Lake City, UT 84115  
Property Address: 1168 Briarwood Ave., Deltona, FL., 32725  
Parcel No.: 30-18-31-55-21-0100**

**Violation** of City of Deltona Ordinance, Section 18-5 adopting the latest edition of the International Property Maintenance Code, Section 303.2, which states that all private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barriers away from the pool. (Enforcement Services Officer Dennis Mues)

Withdrawn.

**P. DEL-15-113**

**Brian K. Bromagen  
1195 Acorn Ct., Deltona, Florida 32725  
Property Address: 1197 Acorn Ct., Deltona, Florida 32725  
Parcel No.: 30-18-31-02-20-0270**

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

Order of Non Compliance with a Hearing to Impose Fine at the May 27, 2015 Code Hearing. Brian Bromagen was present.

**Q. DEL-15-114**

**Brian K. Bromagen  
1195 Acorn Ct., Deltona, Florida 32725  
Property Address: 1197 Acorn Ct., Deltona, Florida 32725  
Parcel No.: 30-18-31-02-20-0270**

**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)

Order of Non Compliance with a Hearing to Impose Fine at the May 27, 2015 Code Hearing. Brian Bromagen was present.

**R. DEL-15-115**

**Jesse Barral**

**1279 Howland Blvd., Deltona, Florida 32738**

**Property Address: 1279 Howland Blvd., Deltona, Florida 32738**

**Parcel No.: 30-18-31-38-07-0070**

**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 Julie Hughes)

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

**11. OTHER AND REPEAT BUSINESS:**

**A. DEL-15-101 Repeat of Citation C2309**

**Navado A. Edwards & Merequa C. Mamwell**

**PO Box 390568, Deltona, Florida 32739**

**Property Address: 2835 Brighton Ave., Deltona, Florida 32738**

**Parcel No.: 30-18-31-32-79-0050**

**Violation** of 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. (Enforcement Services Officer Steve Braukhoff)

Order to Abate was issued by the Special Magistrate effective April 22, 2015. Navado Edwards was present.

**B. DEL-15-094 REPEAT OF DEL-11-123**

**Margaret B. Gumbs**

**1495 Elkcam Blvd., Deltona, Florida 32725-3733**

**Property Address: 1495 Elkcam Blvd., Deltona, Florida 32725**

**Parcel No.: 30-18-31-09-32-0110**

**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 Julie Hughes)

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

**C. CE-2015-01564**

**Request for Hearing by Attorney Herbert Zischkau III,  
Representing Nick O'Brien  
Preferred Trust CO, FBO Keith J. Boyd IRA  
2471 W. Horizon Ridge Pkwy #100, Henderson, NV 89052  
Property Address: 2588 Fair Oaks Dr., Deltona, Florida 32738  
Parcel No.: 30-18-31-54-05-0030**

**Violation of City of Deltona Ordinance, Section 66-63 -  
Abandoned, untagged, wrecked, discarded, junked, inoperative, or  
partially dismantled vehicle(s) or vessel(s) and/or part(s) thereof on  
private residential property. (Enforcement Services Officer Dave  
DeKruif)**

Case was continued until the May 27, 2015 Code Hearing. Attorney Herbert Zischkau and Nick O'Brien were present.

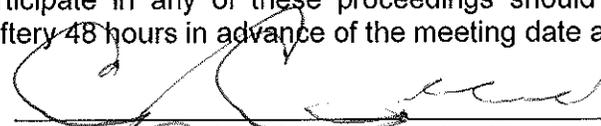
**12. DISCUSSION:**

**A. By the Special Magistrate**

**B. By the Enforcement Services Director**

**13. ADJOURNMENT: 6:03PM**

**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 upon 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, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.

  
\_\_\_\_\_  
Special Magistrate, Charles Cino

  
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Hearing Clerk, Dana Johnson