



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

Special Magistrate

Wednesday, April 27, 2016

5:30 PM

Deltona Commission Chambers

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. 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.

4. ROLL CALL:

Special Magistrate Charles Cino present.

Hearing Clerk Dana Johnson present.

Enforcement Services Supervisor Richard Lovett was present.

5. DISCLOSURE OF EX PARTE COMMUNICATIONS:

None.

6. APPROVAL OF AGENDA & MINUTES:

A. Meeting Minutes of March 23, 2016

The Minutes of the Special Magistrate Hearing for March 23, 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-16-072 is/was in compliance and under New Business, case(s) DEL-16-082, DEL-16-086, DEL-16-096, and DEL-16-108, DEL-16-109, DEL-16-110, and DEL-16-111 were found to be in non compliance at the time of violation, came into compliance and cases are/were dismissed, and case(s) DEL-16-084 is/was withdrawn.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-15-262****Deutsche Bank****1761 E. St. Andrew Pl., Santa Ana, CA 92705****Property Address: 2487 Lackland Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-32-18-0100****Violation: City of Deltona Ordinance, Section 37-8. - Security requirements.****(c) If a distressed property shows evidence of vacancy, or the property is blighted, the property manager designated by the mortgagee shall perform the work necessary to bring the property into compliance with the applicable codes, and the property manager must perform regular exterior inspections, no less often than every 30 days, to verify compliance with the requirements of this chapter, and any other applicable laws. (Officer Steve Braukhoff)**

Third Amended Order of Non Compliance with a Hearing to Impose Fine at the July 27, 2016 Code Hearing. Attorney Andre Pekoe representing Deutsche Bank was present.

B. 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)

Second Amended Order of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing. Ron Paradise, City of Deltona Planning and Zoning, H. Lester Carrero, and Attorney Hector Cuprill were present and gave testimony.

E. 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 May 25, 2016 Code Hearing. H. Lester Carrero, and Attorney Hector Cuprill were present.

C. 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)

Order Imposing Penalty/Lien was issued for \$100.00 a day effective May 5, 2016 until in compliance or the cap of \$20,000.00 is reached.

D. 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)

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

10. NEW BUSINESS:

A. DEL-16-081**TNT Real Estate Investors & Development LLC****2651 Cedar Bluff Ln., Ocoee, FL 34761****Property Address: 1629 Bloomfield Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-72-03-0080**

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 Tray Black)

Order of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing.

B. DEL-16-082**Denise Donnelly****2207 Lightfoot St., Deltona, Florida 32738****Property Address: 2207 Lightfoot St., Deltona, Florida 32738****Parcel No.: 30-18-31-17-24-0050**

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 (Officer Tray Black)

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

C. DEL-16-083**Denise Donnelly****2207 Lightfoot St., Deltona, Florida 32738****Property Address: 2207 Lightfoot St., Deltona, Florida 32738****Parcel No.: 30-18-31-17-24-0050**

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 Tray Black)

Order to Abate was issued by the Special Magistrate effective May 26, 2016.

D. DEL-16-084**Joel Garcia****1925 Laredo Dr., Deltona, Florida 32738****Property Address: 1925 Laredo Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-68-14-0010**

Violation: City of Deltona Ordinance, Section 18-5, reference to 108.1.5.9, adopting the latest edition of the International Property Maintenance Code, which states a building or structure, or any portion thereof, used or is intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease. References of the International Property Maintenance Code that pertain to the above but not limited 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. 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. 304.13, which states that every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. (Officer Richard Lovett)

Withdrawn.

E. DEL-16-086**George Lemm TR****C/O Marvin M. Robertson****2501 Q ST NW STE B21, Washington DC 20007****Property Address: 1423 N. Normandy Blvd., Deltona, Florida 32725****Parcel No.: 30-18-31-01-12-0050**

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 Julie Hughes)

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

F. DEL-16-088**Randall & Audrey Freebersyser****1188 Lawrence Ave., Deltona, Florida 32725-5717****Property Address: 1188 Lawrence Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-02-20-0170**

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 of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing. Randall Freebersyser was present.

G. DEL-16-089**Randall & Audrey Freebersyser****1188 Lawrence Ave., Deltona, Florida 32725-5717****Property Address: 1188 Lawrence Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-02-20-0170**

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 of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing. Randall Freebersyser was present.

H. DEL-16-090**Ana M. Perez, TR****Ana M. Perez Living Trust****789 Trumbull St., Deltona, Florida 32725-4593****Property Address: 789 Trumbull St., Deltona, Florida 32725****Parcel No.: 30-18-31-03-42-0230**

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 Richard Lovett)

Order of Non Compliance issued by the Special Magistrate.

I. DEL-16-091**US Bank National Association****425 Walnut Street, Cincinnati, OH 45202****Property Address: 2062 Jessamine Ct., Deltona, Florida 32738****Parcel No.: 30-18-31-74-55-0260**

Violation: City of Deltona Ordinance, Section 37-8. - Security requirements. (c) If a distressed property shows evidence of vacancy, or the property is blighted, the property manager designated by the mortgagee shall perform the work necessary to bring the property into compliance with the applicable codes, and the property manager must perform regular exterior inspections, no less often than every 30 days, to verify compliance with the requirements of this chapter, and any other applicable laws. (Officer Steve Braukhoff)

Order of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing.

J. DEL-16-092**Monica Ramonita Arbello****1509 Gainesville Dr., Deltona, Florida 32725-6043****Property Address: 1509 Gainesville Dr., Deltona, Florida 32725****Parcel No.: 30-18-31-72-20-0070**

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)

Order of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing.

K. DEL-16-093**Monica Ramonita Arbello****1509 Gainesville Dr., Deltona, Florida 32725-6043****Property Address: 1509 Gainesville Dr., Deltona, Florida 32725****Parcel No.: 30-18-31-72-20-0070**

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 Danny Ron)

Order of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing.

L. DEL-16-095**Jennifer Pugliese****2938 Clovis Dr., Deltona, Florida 32738****Property Address: 2938 Clovis Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-41-43-0070**

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)

Order of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing. Jennifer Pugliese and Rodney Thompson were present and gave testimony.

M. DEL-16-096**Jonathan Willet Edward Hall & Chara D. Hall****1494 Courtland Blvd., Deltona, Florida 32738****Property Address: 1494 Courtland Blvd., Deltona, Florida 32738****Parcel No.: 30-18-31-47-06-0010**

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 Dennis Mues)

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

N. DEL-16-097**Larry W. Gregg****2046 Pembroke St., Deltona, Florida 32738****Property Address: 2046 Pembroke St., Deltona, Florida 32738****Parcel No.: 30-18-31-31-08-0130**

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. (Officer Tray Black)

Order of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing.

O. DEL-16-098**Larry W. Gregg****2046 Pembroke St., Deltona, Florida 32738****Property Address: 2046 Pembroke St., Deltona, Florida 32738****Parcel No.: 30-18-31-31-08-0130**

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 Tray Black)

Order of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing.

P. DEL-16-099**Anthony Miranda****1826 Belspring Ave., Deltona, Florida 32725****Property Address: 1826 Belspring Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-65-04-0170**

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 Tray Black)

Order of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing.

Q. DEL-16-100**Anthony Miranda****1826 Belspring Ave., Deltona, Florida 32725****Property Address: 1826 Belspring Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-65-04-0170**

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 of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing.

R. DEL-16-102**Ronald & Norma Vidaurre H&W****879 E. Fairbairn Dr., Deltona, Florida 32725****Property Address: 879 E. Fairbairn Dr., Deltona, Florida 32725****Parcel No.: 30-18-31-22-23-0120**

Violation: 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. (Officer Heather Murray)

Case was continued until the May 25, 2016 Code Hearing. Ronald & Norma Vidaurre H&W and their interpreter Oscar Soto, and Thomas Pajak and Susan Alsdorf were present and gave testimony.

S. DEL-16-103**Constance Hollish****439 Morningview Ave., Akron, OH 44305****Property Address: 949 N. Village Dr., Deltona, Florida 32725****Parcel No.: 30-18-31-11-29-0120**

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 Tray Black)

Order of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing.

T. DEL-16-104**Carl & AnnMarie Matthews****2552 Vaughn Ave., Deltona, Florida 32725-2219****Property Address: 2552 Vaughn Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-71-32-0190**

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 Danny Ron)

Order of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing.

U. DEL-16-105**Carl & AnnMarie Matthews****2552 Vaughn Ave., Deltona, Florida 32725-2219****Property Address: 2552 Vaughn Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-71-32-0190**

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 Danny Ron)

Order of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing.

V. DEL-16-106**Carl & AnnMarie Matthews****2552 Vaughn Ave., Deltona, Florida 32725-2219****Property Address: 2552 Vaughn Ave., Deltona, Florida 32725****Parcel No.: 30-18-31-71-32-0190**

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)

Order of Non Compliance with a Hearing to Impose Fine at the May 25, 2016 Code Hearing.

W. DEL-16-108**Pearl J. Moyer****686 Comstock Dr., Deltona, Florida 32738****Property Address: 686 Comstock Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-21-05-0120**

Violation: 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. (Officer Tray Black)

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

X. DEL-16-109**Pearl J. Moyer****686 Comstock Dr., Deltona, Florida 32738****Property Address: 686 Comstock Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-21-05-0120**

Violation: 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. (Officer Tray Black)

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

Y. DEL-16-110**Pearl J. Moyer****686 Comstock Dr., Deltona, Florida 32738****Property Address: 686 Comstock Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-21-05-0120**

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 Tray Black)

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

Z. DEL-16-111**Pearl J. Moyer****686 Comstock Dr., Deltona, Florida 32738****Property Address: 686 Comstock Dr., Deltona, Florida 32738****Parcel No.: 30-18-31-21-05-0120**

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 Tray Black)

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

11. OTHER AND REPEAT BUSINESS:

A. DEL-16-094 Repeat of DEL-15-136**Jonathan A. Hart****2373 Whitehorse St., Deltona, Florida 32738-1190****Property Address: 2373 Whitehorse St., Deltona, Florida 32738****Parcel No.: 30-18-31-35-19-0180**

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 Steve Braukhoff)

Order to Abate was issued by the Special Magistrate effective May 26, 2016. Jonathan Hart was present and gave testimony.

B. DEL-16-101 Repeat of DEL-05-042**Dolores A. Heyne****1365 Indian Rock Ct., Deltona, Florida 32725****Property Address: 1365 Indian Rock Ct., Deltona, Florida 32725****Parcel No.: 30-18-31-26-13-0320**

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 Danny Ron)

Order Imposing Penalty/Lien was issued for \$100.00 a day effective April 27, 2016 until in compliance or the cap of \$20,000.00 is reached.

12. DISCUSSION:**13. ADJOURNMENT:**

6:41 p.m.