

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
WEDNESDAY April 28, 2010**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, April 28, 2010 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
Enforcement Services Director	Dale Baker	Present
Enforcement Services Manager	Hector Garcia	Present
Hearing Clerk	Sonjia Kihlmire	Present

Also present were: Enforcement Services Officers; Dennis Mues, Danny Ron, Richard Lovett, Shanna Hawkins and Albert Grimsley.

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 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 24, 2010 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under New Business, case DEL-10-080 is Withdrawn and under Other Business, DEL-10-038, repeat of DEL-09-160 is continued to June 23, 2010 Code Hearing.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-10-053

**Michael James and Christine Ann Robertson
1671 Dunlap Dr., Deltona, Florida 32725
Property Address: 1671 Dunlap Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-14-02-0140**

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 Albert Grimsley)**

Fine of \$100.00 a day so Ordered, effective April 28, 2010 and to run until such time that the property is in Compliance or a cap of \$10,000 is reached.

B. DEL-10-054

**Michael James and Christine Ann Robertson
1671 Dunlap Dr., Deltona, Florida 32725
Property Address: 1671 Dunlap Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-14-02-0140**

Violation of the 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. **(Enforcement Services Officer Albert Grimsley)**

Fine of \$100.00 a day so Ordered, effective April 28, 2010 and to run until such time that the property is in Compliance or a cap of \$10,000 is reached.

C. DEL-10-061

**Norman Grenier TTEE, % Ronald & Lisa Grenier PUC
1593 Rockwell Heights Dr., Deland, Florida 32724
Property Address: 1007 Davenport Dr., Deltona, Florida 32725-5932
Parcel No.: 30-18-31-11-50-0010**

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(s) for your fence. **(Enforcement Services Officer Richard Lovett)**

Order of Compliance so Ordered by the Special Magistrate.

D. DEL-10-064

Michael J. Gerken

1291 Anderson Street, Deltona, Florida 32725

Property Address: 1291 Anderson Street, Deltona, Florida 32725

Parcel No.: 30-18-31-05-28-0160

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(s) for your room addition. **(Enforcement Services Officer Dennis Mues)**

This property was found in non compliance at the time of the violation, they have come into compliance at the time of this Hearing and currently the case is dismissed.

10. NEW BUSINESS:

A. DEL-10-060

Navado A. Jr. & Emelyn M. Edwards

2845 Fifer Drive, Deltona, Florida 32738

Property Address: 2845 Fifer Drive, Deltona, Florida 32738

Parcel No.: 30-18-31-34-20-0130

Violation of the 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 Richard Lovett)**

Order of Non Compliance, with a Hearing to Impose Fine at the June 23, 2010 Hearing. A copy to be mailed to the Mortgage Holder also.

B. DEL-10-065

Maria C. Vargas

1829 Providence Blvd., Deltona, Florida 32725

Property Address: 1829 Providence Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-65-25-0080

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.3, which states that all sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. **(Enforcement Services Officer Shanna Hawkins)**

Order of Non compliance with a Hearing to Impose Fine at the June 23, 2010 code Hearing.

C. DEL-10-066

Morgan W. Stewart
3283 Corton Ave., Deltona, Florida 32738
Property Address: 3283 Croton Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-34-14-0040

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 Danny Ron**)

Order of Non Compliance with a Hearing to impose Fine at the June 23, 2010 Code Hearing. Jennifer Stewart was present at this Hearing.

D. DEL-10-067

Morgan W. Stewart
3283 Corton Ave., Deltona, Florida 32738
Property Address: 3283 Croton Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-34-14-0040

Violation of the 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, **enclosures, decks** and walls, shall be maintained and kept in good repair. (**Enforcement Services Officer Danny Ron**)

Order of Non Compliance with a Hearing to impose Fine at the June 23, 2010 Code Hearing. Jennifer Stewart was present at this Hearing.

E. DEL-10-068

Robert C. Hill II Trust
The Hill and Hurst Trust
3196 Mandeville Street, Deltona, Florida 32738
Property Address: 3196 Mandeville Street, Deltona, Florida 32738
Parcel No.: 30-18-31-32-93-0200

Violation of City of Deltona Section 110-807(2), which states that a home occupation shall be clearly incidental and subordinate to the residential use. (**Enforcement Services Officer Richard Lovett**)

Order of Non Compliance with a Hearing to impose Fine at the June 23, 2010 Code Hearing.

F. DEL-10-069

Felix A. and Maria Ayala
3009 Waterman Street, Deltona, Florida 32738
Property Address: 3009 Waterman Street, Deltona, Florida 32738
Parcel No.: 30-18-32-08-0160

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 Richard Lovett)**

This property was found in non compliance at the time of the violation, they have come into compliance at the time of this Hearing and currently the case is dismissed.

G. DEL-10-070

Luis A. Ortiz

Apartado 68, Aibonito PR 00705

Property Address: 3049 North Covington Drive, Deltona, Florida 32738-1672

Parcel No.: 30-18-31-32-92-0460

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(s) for your fence. **(Enforcement Services Officer Richard Lovett)**

Order of Non Compliance with a Hearing to impose Fine at the June 23, 2010 Code Hearing.

H. DEL-10-073

Sarah Lynn Cannon/

Bank of America

2897 West Huron Drive, Deltona, Florida 32738-1662

Property Address: 2897 West Huron Drive, Deltona, Florida 32738-1662

Parcel No.: 30-18-31-32-89-0060

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 Danny Ron)**

Order of Non Compliance. There is Lis Pendens on this property.

I. DEL-10-074

Sarah Lynn Cannon/

Bank of America

2897 West Huron Drive, Deltona, Florida 32738-1662

Property Address: 2897 West Huron Drive, Deltona, Florida 32738-1662

Parcel No.: 30-18-31-32-89-0060

Violation of the 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. **(Enforcement Services Officer Danny Ron)**

Order of Non Compliance. There is Lis Pendens on this property.

J. DEL-10-075

Charlie Wayne Fisette
2896 West Huron Drive, Deltona, Florida 32738
Property Address: 2896 West Huron Drive, Deltona, Florida 32738
Parcel No.: 30-18-31-32-88-0320

Violation of the 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. **(Enforcement Services Officer Danny Ron)**

Case Withdrawn.

K. DEL-10-077

William T. Savoie
2981 Waco Drive, Deltona, Florida 32738
Property Address: 2981 East Waco Drive, Deltona, Florida 32738
Parcel No.: 30-18-31-33-08-0210

Violation of City of Deltona Ordinance Section 18-5, which adopts the latest edition of the International Property maintenance Code, Section 304.6, 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 on the property. **(Enforcement Services Officer Richard Lovett)**

Order of Non Compliance. There is Lis Pendens on this property.

L. DEL-10-078

Bank of New York TR
C/O 7105 Corporate Dr., Plano Texas 75024
Property Address: 2419 Alamanda Ave., Deltona, Florida 32738-2401
Parcel No.: 30-18-31-74-31-0120

Violation of the 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. **(Enforcement Services Officer Richard Lovett)**

Order of Non Compliance with a Hearing to impose Fine at the June 23, 2010 Code Hearing.

M. DEL-10-079

**Bank of New York TR
C/O 7105 Corporate Dr., Plano Texas 75024
Property Address: 2419 Alamanda Ave., Deltona, Florida 32738-2401
Parcel No.: 30-18-31-74-31-0120**

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)**

Order of Non Compliance with a Hearing to impose Fine at the June 23, 2010 Code Hearing.

N. DEL-10-080

**Syed Aftab & Farrah Naz Yaqub
38705 Adcock Dr., Fremont, CA 94536
Property Address: 2749 West Covington Drive, Deltona Florida 32738-2036
Parcel No.: 30-18-31-32-52-0140**

Violation of City of Deltona Ordinance No. 11-2007, Chapter 22, which states that the owner of record of each dwelling unit or rooming house in which a 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 of Deltona for a local business tax license and provide a local point of contact person for each dwelling unit. **(Enforcement Services Officer Albert Grimsley)**

Case Withdrawn.

O. DEL-10-083

**Debra T. Dickenson
1240 Ceylon Dr., Orlando Florida 32806-1755
Property Address: 2921 Nobleton St., Deltona, Florida 32738-4442
Parcel No.: 30-18-31-43-32-0010**

Violation of City of Deltona Ordinance No. 11-2007, Chapter 22, which states that the owner of record of each dwelling unit or rooming house in which a 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 of Deltona for a local business tax license and provide a local point of contact person for each dwelling unit. **(Enforcement Services Officer Albert Grimsley)**

Case continued to June 23, 2010, to allow the Officer an opportunity to achieve more evidence, than a For Rent sign, that a business is being conducted by this Respondent.

P. DEL-10-085

Mickey L. and Pamela Vailancourt
2090 Claremont Dr., Deltona, Florida 32725
Property Address: 2090 Claremont Drive, Deltona, Florida 32725
Parcel No.: 30-18-31-08-47-0190

Violation of City of Deltona Ordinance Section 14-2, Public nuisance animals, which states it is unlawful for a person to permit animals to become a public nuisance by **repeatedly being found at large**, repeatedly damaging the property of anyone other than its owner, is vicious, causes offensive odors, barks, chirps or howls or makes other such prolonged and disturbing noises, **harasses passerby or passing vehicles**, has attacked other domestic animals and/or has **been designated by the animal control officer to be a public nuisance animal, by virtue of being a menace to public health, welfare and/or safety.** (Enforcement Services Officer Steve Braukhoff)

Neighbor JoAnn Raines spoke against her neighbor's dog, stated it was at large numerous times and has charged her husband, herself and family members. The Vailancourt's testified that they would try to resolve the problem and keep custody of their dog. The Special Magistrate found them in Non Compliance and a Hearing to Impose Fine at the June 23, 2010 Code Hearing.

Q. DEL-10-086

Joe L. Woodard
2876 North Juliet Drive, Deltona, Florida 32738-2004
Property Address: 2876 North Juliet Drive, Deltona, Florida 32738-2004
Parcel No.: 30-18-31-32-59-0190

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(s) for your shed. (**Enforcement Services Officer Richard Lovett**)

This property was found in non compliance at the time of the violation, they have come into compliance at the time of this Hearing and currently the case is dismissed.

11. OTHER BUSINESS:

A. DEL-10-038 REPEAT OF DEL-09-160

Northwood Oaks LLC
Ponds Edge Dr., Chadds Ford, PA 19317
Brandywine Financial Services Corporation/Registered Agent
2631 McCormick Drive, Suite 101, Clearwater, Florida 33759
Property Address: 1235 Providence Blvd., Suite R, Deltona, Florida 32725
Parcel No.: 30-18-31-05-06-0010

Violation of Florida Fire Prevention Code: 14.41, means of egress shall be maintained clear and free of any type of displays, combustible materials, and/or tables and chairs at all times in case of fire or other type of emergency.

Violation of the Florida Fire Prevention Code: 10.16.4, storage of combustible materials, material shall not be stored beneath a building or structure unless specifically constructed or protected for this purpose. **(Enforcement Services Officer Mark Gibson)**

Case and Order are continued June 23, 2010 to allow an appeal.

B. DEL-10-061 – Repeat of DEL-09-120

Norman Grenier TTEE, % Ronald & Lisa Grenier PUC

1593 Rockwell Heights Dr., Deland, Florida 32724

Property Address: 1007 Davenport Dr., Deltona, Florida 32725-5932

Parcel No.: 30-18-31-11-50-0010

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)**

Respondent given 30 days to pay a onetime fine of \$100.00. An Order of Compliance will be done at that time. Debris is cleaned up and the nuisance was abated.

12. DISCUSSION:

A) By the Special Magistrate

B) By the Enforcement Services Director

13. ADJOURNMENT: Meeting adjourned at 6:55 pm

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.

Special Magistrate, Charles J. Cino

ATTEST:

Hearing Clerk, Sonjia Kihlmire