

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
TUESDAY, November 23, 2010**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, November 23, 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
Hearing Clerk	Sonjia Kihlmire	Present
Administrative Support	Renee Richardson	Present

Also present were: Enforcement Services Officers; Albert Grimsley, Richard Lovett, Dave DeKruif, Dennis Mues, Shanna Seda and Julie Hughes.

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 September 22, 2010 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under New Business, case DEL-10-138, is withdrawn, case DEL-10-157 and DEL-10-158 is/are withdrawn, and under Repeat cases/Other Business, case DEL-10-162 is also withdrawn due to lack of service/notification.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-10-138

**Kobrin Holding Company –C/O TF Kobrin Shutts & Bowen
PO Box 4956, Orlando, Florida 32802
Property Address: 2355 Fountain Rd., Deltona, Florida
Parcel No.: 30-18-31-45-12-0070**

Violation of City of Deltona Ordinance, Section 18-3 which adopts the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move or demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter or repair, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for your enclosed porch/window openings. **(Enforcement Services Officer Albert Grimsley)**

Case was Withdrawn.

10. NEW BUSINESS:

A. DEL-10-144

**Pablo A. & Raquel M. Lopez
862 Horizon St., Deltona, Florida 32725-9211
Property Address: 862 Horizon St., Deltona, Florida 32725-9211
Parcel No.: 30-18-31-24-05-0220**

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 Julie Hughes)**

Order stating that a fine of \$100.00 a day, effective immediately to continue until the property is in compliance or a cap of \$10,000.00 is met. This is a health/safety issue, per the Officer.

B. DEL-10-145

**Pablo A. & Raquel M. Lopez
862 Horizon St., Deltona, Florida 32725-9211
Property Address: 862 Horizon St., Deltona, Florida 32725-9211
Parcel No.: 30-18-31-24-05-0220**

Violation of the City of Deltona Ordinance, Section 18-5, which adopts 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 Julie Hughes)**

Order stating that a fine of \$100.00 a day, effective immediately to continue until the property is in compliance or a cap of \$10,000.00 is met. This is a health/safety issue, per the Officer.

C. DEL-10-156

Frederick M. Antonia
822 Superior St., Deltona, Florida 32725
Property Address: 1698 E. Waycross Circle, Deltona, Florida 32725
Parcel No.: 30-18-31-11-28-0030

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 Albert Grimsley)**

Order of Non Compliance, case continued to January 26, 2011, for a Hearing to impose fine, if the violation still exists on this property. Mr. Antonia was present at this Hearing.

D. DEL-10-157

Chase Home Finance LLC
3415 Vision Dr., Dept G7, Columbus, Ohio 43219-6009
Property Address: 2483 Hope Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-74-30-0040

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

Case Withdrawn.

E. DEL-10-158

Chase Home Finance LLC
3415 Vision Dr., Dept G7, Columbus, Ohio 43219-6009
Property Address: 2483 Hope Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-74-30-0040

Violation of the City of Deltona Ordinance, Section 18-5, which adopting the latest edition of the International Property Maintenance Code, Section 304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition Exterior wood surfaces, other than decay- resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for or stabilization by oxidation are exempt from this requirement. **(Enforcement Services Officer Albert Grimsley)**

Case Withdrawn.

F. DEL-10-160

Vincente Cepeda & Jenny Diaz
154 Princeton St., Hempstead, NY 11550
Property Address: 2840 Cottondale Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-55-0080

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 Richard Lovett)**

Case dismissed by the Special Magistrate. Property/Respondent found to be in Non Compliance at the time of the violation and then they came into Compliance and the case has been dismissed, setting them up for a repeat violator if this violation should reoccur.

G. DEL-10-161

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

Violation of the City of Deltona Ordinance, Section 18-5, which 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 Richard Lovett)**

Order stating that a fine of \$100.00 a day, effective immediately to continue until the property is in compliance or a cap of \$10,000.00 is met. The Special Magistrate also stated that he would entertain the suggestion for an abatement order next Hearing date, if this Respondent does not come into Compliance by then.

H. DEL-10-163

Clemencia and Rocio Naranjo
2064 Apricot Dr., Deltona, Florida 32725
Property Address: 2064 Apricot Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-04-13-0370

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

Case dismissed by the Special Magistrate. Property/Respondent found to be in Non Compliance at the time of the violation and then they came into Compliance and the case has been dismissed, setting them up for a repeat violator if this violation should reoccur.

I. DEL-10-164

Clemencia and Rocio Naranjo
2064 Apricot Dr., Deltona, Florida 32725
Property Address: 2064 Apricot Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-04-13-0370

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

Case dismissed by the Special Magistrate. Property/Respondent found to be in Non Compliance at the time of the violation and then they came into Compliance and the case has been dismissed, setting them up for a repeat violator if this violation should reoccur.

J. DEL-10-165

Susan R. Register
2641 Salters Court, Deltona, Florida 32738
Property Address: 2641 Salters Court, Deltona, Florida 32738
Parcel No.: 30-18-31-43-16-0080

Violation of the 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, material or objects that are not incidental to a residential use, shall be prohibited. (**Enforcement Services Officer Dave DeKruif**)

Order of Non Compliance, case continued to January 26, 2011, for a Hearing to impose fine, if the violation still exists on this property. Mr. Register was present at this Hearing.

K. DEL-10-166

Dora Sostre ETALS
1809 Ulster Ave., Deltona, Florida 32738
Property Address: 1716 East Chapel Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-65-11-0100

Violation of the City of Deltona Ordinance, Section 18-5, which adopting the latest edition of the International Property Maintenance Code, Section 304.10, which states that stairways, decks, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair; with proper anchorage and capable of supporting the imposed loads. (**Enforcement Services Officer Albert Grimsley**)

Order of Non Compliance, case continued to January 26, 2011, for a Hearing to impose fine, if the violation still exists on this property.

L. DEL-10-167

**Love and Violette JB Smith
19 Pelham Dr., Brentwood, NY 11717
Property Address: 2930 Surf Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-33-11-0270**

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, case continued to January 26, 2011, for a Hearing to impose fine, if the violation still exists on this property.

M. DEL-10-168

**Love and Violette JB Smith
19 Pelham Dr., Brentwood, NY 11717
Property Address: 2930 Surf Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-33-11-0270**

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

Order of Non Compliance, case continued to January 26, 2011, for a Hearing to impose fine, if the violation still exists on this property.

N. DEL-10-169

**Love and Violette JB Smith
19 Pelham Dr., Brentwood, NY 11717
Property Address: 2930 Surf Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-33-11-0270**

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 502.1, which states that every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink, which shall be maintained in a sanitary, safe working condition. **(Enforcement Services Officer Richard Lovett)**

Order of Non Compliance, case continued to January 26, 2011, for a Hearing to impose fine, if the violation still exists on this property.

O. DEL-10-170

Hugo A. and Yris V. Cervantes
29 Thornall St., Carteret, NJ 07008
Property Address: 1312 Saxon Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-07-63-0070

Violation of the City of Deltona Ordinance, Section 302.7, which states all accessory Structures, including detached garages, fences and walls, shall be maintained and kept in good repair and sound structural condition. **(Enforcement Services Officer Dennis Mues)**

Order of Non Compliance, case continued to January 26, 2011, for a Hearing to impose fine, if the violation still exists on this property.

P. DEL-10-171

Hugo A. and Yris V. Cervantes
29 Thornall St., Carteret, NJ 07008
Property Address: 1312 Saxon Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-07-63-0070

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

Order/Fine levied for \$250.00, effective immediately, per the Special Magistrate.

11. OTHER BUSINESS:

A. DEL-10-162 – Repeat of DEL-10-086

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

Violation of City of Deltona Ordinance, Section 18-3 which adopts the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move or demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter or repair, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for your shed. **(Enforcement Services Officer Richard Lovett)**

Withdrawn due to unable to complete service.

B. DEL-07-188

**Suzan D. Behrens (current owner HSBC Bank USA National Assoc TR)
4828 Loop Central Dr., 5th Floor, Houston, Texas 77081-2226
Property Address: 1600 Falmouth Ave., Deltona, Florida 32725
Parcel No.: 30-18-31-03-25-0550**

Violation of City of Deltona Ordinance, Section 18-3 which adopts the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move or demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter or repair, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for your garage conversion. **(Enforcement Services Officer Marcos Rosado)**

This case has a fine of \$5,600.00, which is \$100.00 a day for 56 days of being in violation. The current owners are requesting a recommendation for a reduction of fine.

Case was continued at the current owners' request and was heard at the November 23, 2010, Code Hearing. Carolyn Moriarty with ReMax Realty, Bank representative, stated she was not sure if the property was in Compliance, however she thought all permits had been finalized and the property was in Compliance. The Fine of \$5,600.00, was paid by the Bank in October. Mr. Cino stated he had no further action for this case and if the permits were complete a Satisfaction should be executed for his signature.

C. DEL-09-069

**Kenneth & Deshika Mitchell {new owner / Deutsch Bank National TR Co TR
c/o Countrywide Home Loans
7105 Corporate DR MS PTX-B-35, Plano, Texas 75024
Property Address: 2581 E. Dorchester Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-34-0200**

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 Albert Grimsley)**

There is a \$10,000.00 fine on this case, the property was in violation since April 22, 2009, @ \$50.00 a day. At the time of this Agenda, no Affidavit of Compliance has been given for this case. The Representative for Deutsch Bank National is Gilbert Garcia Group P.A. They have requested to come before the Special Magistrate and request a recommendation for a reduction in fine. They are the third group to represent the owners of this property. Special Magistrate Charles Cino stated that his recommendation is to reduce the fine to 0. Director Dale Baker will do the Agenda Memo to have them go before the City Commission in December, for a final ruling.

D. DEL-09-070

**Kenneth & Deshika Mitchell {new owner / Deutsch Bank National TR Co TR
c/o Countrywide Home Loans
7105 Corporate DR MS PTX-B-35, Plano, Texas 75024
Property Address: 2581 E. Dorchester Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-34-0200**

Violation of the City of Deltona Ordinance, Section 18-5, reference 304.2, adopting the latest edition of the International Property Maintenance Code, 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 Albert Grimsley)**

There is a \$10,000.00 fine on this case, the property was in violation since April 22, 2009, @ \$50.00 a day. At the time of this Agenda, no Affidavit of Compliance has been given for this case. The Representative for Deutsch Bank National is Gilbert Garcia Group P.A. They have requested to come before the Special Magistrate and request a recommendation for a reduction in fine. They are the third group to represent the owners of this property. Special Magistrate Charles Cino stated that his recommendation is to reduce the fine to 0. Director Dale Baker will do the Agenda Memo to have them go before the City Commission in December, for a final ruling.

E. DEL-09-071

**Kenneth & Deshika Mitchell {new owner / Deutsch Bank National TR Co TR
c/o Countrywide Home Loans
7105 Corporate DR MS PTX-B-35, Plano, Texas 75024
Property Address: 2581 E. Dorchester Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-34-0200**

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, **fences** and walls, shall be maintained and kept in good repair. **(Enforcement Services Officer Albert Grimsley)**

There is a \$10,000.00 fine on this case, the property was in violation since April 22, 2009, @ \$50.00 a day. At the time of this Agenda, no Affidavit of Compliance has been given for this case. The Representative for Deutsch Bank National is Gilbert Garcia Group P.A. They have requested to come before the Special Magistrate and request a recommendation for a reduction in fine. They are the third group to represent the owners of this property. Special Magistrate Charles Cino stated that his recommendation is to reduce the fine to 0. Director Dale Baker will do the Agenda Memo to have them go before the City Commission in December, for a final ruling.

F. DEL-97-129

**Guy Skehan Jackson
655 Hartley Circle, Deltona, Florida 32725-5611
Property Address: 655 Hartley Circle, Deltona, Florida 32725
Parcel No.: 30-18-31-01-11-0260**

A repeat violation of City of Deltona, Ordinance No. 30-98, Section 811.02, which states that boats and boat trailers shall not be parked in the front yard of residentially zoned lots. (Officer Karen Roberts) This owner is requesting a recommendation for a reduction in fine. It is currently for \$47,500.00. Darren Elkind, Esquire, represented Mr. Jackson and requested a reduction of this fine. Mr. Cino stated that he would recommend a reduction to \$5,000.00. The Director will complete the Agenda Memo to have this case presented to the City Commission for a final ruling.

G. Parking Ticket #12308 Dispute

**Ana Nieves for A. Cruz
2801 Fern Lane, Deltona, Florida 32738**

Ticket was written by VCSO, Officer J. Braman, ID #7392, for Parking in a handicapped zone and not displaying the disabled persons parking identification permit on 10/01/10 @ 16:10.

Appeal denied due to the fact that Ana Nieves was not present at this Hearing and an additional \$25.00 fee shall be imposed along with the cost of the ticket and any late fees that maybe applicable.

12. DISCUSSION:

- A) By the Special Magistrate**
- B) By the Enforcement Services Director**

13. ADJOURNMENT: Meeting adjourned at 7:00 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

HEARING Clerk, Sonjia Kihlmire