

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, January 26, 2011**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, January 26, 2011 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, Danny Ron, Steve Braukhoff, Lonnie Wilson, 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 November 23, 2010 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under New Business, case DEL-11-002, DEL-11-004, DEL-11-012, DEL-11-013, DEL-11-014 and DEL-11-019 is withdrawn, case DEL-11-10 has been continued to February 23, 2011 Code Hearing.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-10-156

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)**

Case continued to February 23, 2011, if the violation still exists on this property, a fine of \$100.00 a day will commence on February 24, 2011, with a cap of \$10,000.00. Mr. Antonia was present at this Hearing.

B. 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)**

First Amended Order of Non Compliance, with a Hearing to impose fine at the March 23, 2011 Code Hearing if the Respondent(s) is/are still in violation. Mr. William Sostre and Dora Sostre were present at this hearing.

C. 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)**

Fine ordered by the Special Magistrate for a \$100.00 a day fine, effective immediately, to continue until they are in compliance or a cap of \$10,000.00 is reached.

D. 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)**

Fine ordered by the Special Magistrate for a \$100.00 a day fine, effective immediately, to continue until they are in compliance or a cap of \$10,000.00 is reached.

E. 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)**

Fine ordered by the Special Magistrate for a \$100.00 a day fine, effective immediately, to continue until they are in compliance or a cap of \$10,000.00 is reached.

F. 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 18-5, which adopts 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 Dennis Mues)**

Order of Compliance issued on this case. Will be completed, signed and sent for recording.

10. NEW BUSINESS:

A. DEL-11-001

**Christopher Landers and Cathleen Xuan Hoa Quach-Lander
2222 Venus Ave., Deltona, Florida 32725
Property Address: 2222 Venus Ave., Deltona, Florida 32725
Parcel No.: 30-18-31-08-29-0280**

Violation of the City of Deltona Ordinance, Section 26-45, Declaration of water shortage, which states:

(a) The county acknowledges that the groundwater resource available to its citizens is a sole-source aquifer and is not connected to other groundwater resources. The county deems it necessary to be able to determine water shortages based on the data available in the county independent of data available elsewhere in the St. Johns River Water Management District.

(b) The county council shall declare a water shortage or a water shortage emergency based on public concern and technical information, such as, but not limited to, groundwater levels, spring flows and rainfall, and shall establish a specific level of water conservation and use corresponding to a level as set forth in section 26-46, and may consider the level of water conservation and use recommended by the Volusia Water Alliance.

(c) In the event the St. Johns River Water Management District declares a water shortage and implements its water shortage plan, 40C-21, Florida Administrative Code, the water shortage plan and all elements of said plan become effective and take precedence over the provisions of this article, provided that the plan provides for a more restrictive level of water conservation than the level in effect. At such time as the declared St. Johns River Water Management District water shortage expires, then all provisions of this article become effective and enforceable. **(Enforcement Services Officer Steve Braukhoff)**

Case dismissed and Order of Dismissal was so ordered by the Special Magistrate. Mr. Christopher Landers was present at this hearing.

B. DEL-11-002

**Greg D. and Mary E. Smith
1382 Providence Blvd., Deltona, Florida 32725
Property Address: 275 Diamond St., Deltona, Florida 32725
Parcel No.: 30-18-31-06-05-0140**

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 the electrical mast from the meter box to the home. **(Enforcement Services Officer Julie Hughes)**

Case was withdrawn.

C. DEL-11-003

Juan and Cathy Taponés
2253 Durham St., Deltona, Florida 32738
Property Address: 2253 Durham St., Deltona, Florida 32738
Parcel No.: 30-18-31-45-21-0161

Violation of City of Deltona Ordinance, Section 66-20, which states that motor vehicles shall not be parked anywhere within that portion of the lot lying across the full width of the lot between the front lot line and front most part of the principle structure, except on approved driveways or driveway extensions. **(Enforcement services Officer Danny Ron)**

Found in Non Compliance at the time of the violation, currently in Compliance and the case was dismissed.

D. DEL-11-004

Sherry L. Brown
2466 Ainsworth Ave., Deltona, Florida 32725
Property Address: 2466 Ainsworth Ave., Deltona, Florida 32725
Parcel No.: 30-18-31-32-15-0120

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 Danny Ron)**

Withdrawn

E. DEL-11-006

Stephanie A. Cox and Oleta J. Warren JTWROS
1526 Agatha Dr., Deltona, Florida 32725-4576
Property Address: 1526 Agatha Dr., Deltona, Florida 32725-4576
Parcel No.: 30-18-31-07-67-0310

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 the dock at this property. **(Enforcement Services Officer Julie Hughes)**

Mike Hernandez and Stephanie Cox were present. Respondent(s) found in non Compliance and a Hearing to Impose fine will be held April 27, 2011, if they are still in violation.

F. DEL-11-007

**Bank Of America National Assoc TR, c/o Gladstone Law Group PA
1499 West Palmetto PK Rd., Suite 300, Boca Raton, Florida 33486
Property Address: 2799 Staten Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-63-20-0160**

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 for the installing of a new sliding glass door. **(Enforcement Services Officer Steve Braukhoff)**

Order of Non Compliance with a Hearing to impose fine at the February 23, 2011 Code Hearing, if this Respondent is still in violation.

G. DEL-11-008

**Cortlandt and Piedad E. Parker
2937 East Waco Dr., Deltona, Florida 32738
Property Address: 2840 Chalmer St., Deltona, Florida 32738
Parcel No.: 30-18-31-34-34-0020**

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)**

Found in Non Compliance at the time of the violation, currently in Compliance and the case was dismissed.

H. DEL-11-009

Thomas and Judy Lynn Bamundo JTWROS
2970 Willow Bay Terrace, Casselberry, Florida 32707
Property Address: 1730 Hillandale Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-73-10-0080

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

Found in Non Compliance at the time of the violation, currently in Compliance and the case was dismissed.

I. DEL-11-010

James P. and Paula McGowan
3153 Byington Terrace, Deltona, Florida 32738
Property Address: 3153 Byington Terrace, Deltona, Florida 32738
Parcel No.: 30-18-31-38-28-0100

Violation of the City of Deltona Ordinance, Section 18-5, which adopts 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 Steve Braukhoff)**

Case continued to the February 23, 2011 Code Hearing.

J. DEL-11-011

Artemio Ramirez
567 East Normandy Blvd., Deltona, Florida 32725
Property Address: 567 East Normandy Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-01-12-0150

Violation Of City of Deltona Ordinance, Section 38-114, which states that storage of building materials, commercial and industrial uses, or any equipment, materials or objects that are not incidental to a residential use, shall be prohibited. **(Enforcement Services Officer Albert Grimsley)**

Order of Non Compliance with a Hearing to impose fine at the February 23, 2011 Code Hearing, if this Respondent is still in violation.

K. DEL-11-012

Artemio Ramirez

567 East Normandy Blvd., Deltona, Florida 32725

Property Address: 567 East Normandy Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-01-12-0150

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 for the shed. **(Enforcement Services Officer Albert Grimsley)**

Withdrawn

L. DEL-11-013

Artemio Ramirez

567 East Normandy Blvd., Deltona, Florida 32725

Property Address: 567 East Normandy Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-01-12-0150

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 for the addition/exterior renovation. **(Enforcement Services Officer Albert Grimsley)**

Withdrawn

M. DEL-11-014

Artemio Ramirez

567 East Normandy Blvd., Deltona, Florida 32725

Property Address: 567 East Normandy Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-01-12-0150

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 for the windows (past permit has since expired). **(Enforcement Services Officer Albert Grimsley)**

Withdrawn

N. DEL-11-015

Michael T. Kelly

8513 Cypress Hollow Court, Sanford, Florida 32771

Property Address: 1063 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-10-11-0110

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 for the demolition and reconstruction of the garage/carport. **(Enforcement Services Officer Dennis Mues)**

Order of Non Compliance with a Hearing to impose fine at the February 23, 2011 Code Hearing, if this Respondent is still in violation. Ms. Kelly was present at this hearing.

O. DEL-11-016

Lisa M. Staley

2579 Ainsworth Ave., Deltona, Florida 32738

Property Address: 2579 Ainsworth Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-32-32-0140

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 for the roof, electrical, plumbing, mechanical and structural permits as needed. **(Enforcement Services Officer Albert Grimsley)**

Order of Non Compliance with a Hearing to impose fine at the February 23, 2011 Code Hearing, if this Respondent is still in violation.

P. DEL-11-017

Lisa M. Staley

2579 Ainsworth Ave., Deltona, Florida 32738

Property Address: 2579 Ainsworth Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-32-32-0140

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 for the garage. **(Enforcement Services Officer Albert Grimsley)**

Order of Non Compliance with a Hearing to impose fine at the February 23, 2011 Code Hearing, if this Respondent is still in violation.

Q. DEL-11-018

Lisa M. Staley

2579 Ainsworth Ave., Deltona, Florida 32738

Property Address: 2579 Ainsworth Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-32-32-0140

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.3, which states that all buildings will have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. **(Enforcement Services Officer Albert Grimsley)**

Order of Non Compliance with a Hearing to impose fine at the February 23, 2011 Code Hearing, if this Respondent is still in violation.

R. DEL-11-019

Lorri Maly

1155 Wycliff St., Deltona, Florida 32725

Property Address: 1155 Wycliff St., Deltona, Florida 32725

Parcel Address: 30-18-31-07-35-0220

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 for the garage. **(Enforcement Services Officer Dennis Mues)**

Withdrawn

11. OTHER BUSINESS:

Case No.: AC2011-00183
1442 North Orion Circle, Deltona Florida 32738
John Wright
Parcel No.: 30-18-31-16-28-0180

Violation of City of Deltona ordinance, Section 14-166, Division 3, and Section 14-170, attack or bite by a Dangerous Dog. Any dog that is the subject of a dangerous dog investigation shall be immediately impounded by the animal control authority pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. (**Enforcement Services Officer Shanna Seda**)

Special Magistrate Cino heard testimony and adjudicated this case. He found that the dog(s), according to the State and City Ordinances, are declared to be dangerous. Mr. Wright (Respondent) and family were present and Christopher Cardwell and Ken Skary were present to represent the family of the bite victim.

Case No.: AC2011-00244
1862 North Akron Dr., Deltona Florida 32738
Ervin I. Rivera
Parcel No.: 30-18-31-16-13-0040

Violation of City of Deltona ordinance, Section 14-166, Division 3, and Section 14-170, attack or bite by a Dangerous Dog. Any dog that is the subject of a dangerous dog investigation shall be immediately impounded by the animal control authority pending the outcome of the investigation and resolution of any hearings related to the dangerous dog classification. (**Enforcement Services Officer Lonnie Wilson**)

Special Magistrate Cino heard testimony and adjudicated this case. He found that the dog(s), according to the State and City Ordinances, are declared to be dangerous. Mr. Rivera was present along with the owners of the animal victim.

12. DISCUSSION:

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

13. ADJOURNMENT: Meeting adjourned at 7:30 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