

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, April 27, 2011**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, April 27, 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 Staff	Renee Richardson	Present

Also present were: Enforcement Services Officers; Albert Grimsley, Danny Ron, Dennis Mues, Richard Lovett, Shanna Seda, Dave DeKruif, Steve Braukhoff 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 March 23, 2011 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under Old Business, case DEL-020 and DEL-11-021 are in compliance and an Affidavit of Compliance has been submitted for recording. Under New Business, case DEL-11-044, DEL-11-054, DEL-11-064, DEL-11-065 and case DEL-11-068 have been withdrawn due to compliance prior to this Hearing.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-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)**

Lloyd Hutchinson was present, he represented Stephanie A. Cox – given a 20 day extension to remove the dock, with intent to impose fine at May 25, 2011 Hearing, if not in compliance.

B. DEL-11-020

**James L. and Elizabeth A. Mars
Revocable Trust
779 Tulip St., Deltona, Florida 32725
Property Address: 779 Tulip St., Deltona, Florida 32725
Parcel No.: 30-18-31-03-43-0190**

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 Shanna Seda)**

Complied, Order of Compliance.

C. DEL-11-021

**James I. and Elizabeth A. Mars
Revocable Trust
779 Tulip St., Deltona, Florida 32725
Property Address: 779 Tulip St., Deltona, Florida 32725
Parcel No.: 30-18-31-03-43-0190**

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. **(Enforcement Services Officer Shanna Seda)**

Complied, Order of Compliance.

D. DEL-11-023

Gerald W. Hausknecht

1196 Wycliffe St., Deltona, Florida 32725

Property Address: 1196 Wycliffe St., Deltona, Florida 32725

Parcel No.: 30-18-31-07-36-0090

Violation of City of Deltona Ordinance, Section 110-827.03(1) (e), which states that no detached accessory building or structure shall be located in the front yard or side street yard. (**Enforcement Services Officer Julie Hughes**)

Order imposing a fine of \$100.00 a day, was levied last Code Hearing if compliance was not met by April 27, 2011, fine to run until violation is corrected or a cap of \$10,000.00 is met.

E. DEL-11-032

Jana M. Vanhorn

2550 Crowley Terrace, Deltona, Florida 32738

Property Address: 2550 Crowley Terrace, Deltona, Florida 32738

Parcel No.: 30-18-31-33-11-0060

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**)

Complied -Order of Compliance.

F. DEL-11-036

US Bank National Assoc TR

4875 Belfort Rd., Suite 130, Jacksonville, Florida 32256

Property Address: 2100 Altoona Lane, Deltona, Florida 32738

Parcel No.: 30-18-31-53-29-0060

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 porch enclosure on the back of the property. (**Enforcement Services Officer Richard Lovett**)

Order imposing a fine of \$100.00 a day, effective April 27, 2011, to run until violation is corrected or a cap of \$10,000.00 is met.

G. DEL-11-038

Richard J. Martikainen EST
1759 Wolfton Court, Deltona, Florida 32738
Property Address: 1759 Wolfton Court, Deltona, Florida 32738
Parcel No.: 30-18-31-43-28-0250

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 Danny Ron)**

Complied -Order of Compliance.

H. DEL-11-039

Richard J. Martikainen EST
1759 Wolfton Court, Deltona, Florida 32738
Property Address: 1759 Wolfton Court, Deltona, Florida 32738
Parcel No.: 30-18-31-43-28-0250

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, garage 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 Danny Ron)**

Respondent not present. Found to be in non-compliance and have been granted 30 days to come into compliance. A fine of \$100.00 per day will commence May 26, 2011 with a cap of \$10,000.00, if not in compliance or are not present at next Hearing.

10. NEW BUSINESS:

A. DEL-11-041

John Tyminski
3032 Kirkland St., Deltona, Florida 32738
Property Address: 3032 Kirkland St., Deltona, Florida 32738
Parcel No.: 30-18-31-32-11-0130

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, Hearing to impose fine at the May 25, 2011 Code Hearing.

B. DEL-11-042

Gordon P. Husted

2110 East Minnesota Ave., Deland , Florida 32724

Property Address: 3351 Greendale Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-54-04-0020

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 on the property. **(Enforcement Services Officer Richard Lovett)**

Found to be in non-Compliance at the time of the violation, Respondent came into compliance and case was dismissed.

C. DEL-11-043

Faruk, Azmi, Anwar and Izzat Ideis

1049 Anderson St., Deltona, Florida 32725

Property Address: 2061 Catalina Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-35-29-0040

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 Richard Lovett)**

Tow Order was granted to tow all vehicles that are improperly parked on/at this property. No fine to be imposed.

D. DEL-11-044

Richard and Ann Woodward

4 Wheeler Rd., Apt. 2, Burlington, MA 01803-4919

Property Address: 1007 Saxon Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-55-06-0230

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 window replacements. **(Enforcement Services Officer Julie Hughes)**

Withdrawn

E. DEL-11-045

Trudy M. Ramsdale

2330 Dumas Dr., Deltona, Florida 32738-5102

Property Address: 2330 Dumas Dr., Deltona, Florida 32738-5102

Parcel No.: 30-18-31-45-53-0090

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, 108.1.4 UNLAWFUL STRUCTURE. An unlawful structure is one found in whole or in part to be erected, altered or occupied under this code, contrary to law. This carport structure is not permitted in its current location. **(Enforcement Services Officer Dave DeKruif)**

Order of Non- Compliance, Hearing to impose fine October 26, 2011. Owner representative, Cindy Lettau, present at this Hearing.

F. DEL-11-046

Shaun Borelli

2797 Jewel Ave., Deltona, Florida 32738

Property Address: 2797 Jewel Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-32-45-0130

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, Hearing to impose fine May 25, 2011.

G. DEL-11-047

Rosario Romero and Herbert L. Kitts

1750 Mitten Terrace, Deltona, Florida 32738

Property Address: 1750 Mitten Terrace, Deltona, Florida 32738

Parcel No.: 30-18-31-36-14-0060

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)**

Order of Non Compliance. (Bankruptcy)

H. DEL-11-048

Hector L. and Hector V. Sr. Rodriguez and Hilda Rodriguez

3114 Lynnhaven St., Deltona, Florida 32738

Property Address: 3114 Lynnhaven St., Deltona, Florida 32738

Parcel No.: 30-18-31-68-09-0120

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 on the property. **(Enforcement Services Officer Richard Lovett)**

Order of Non- Compliance, Hearing to impose fine May 25, 2011. Hector V. Rodriguez Sr. was present at the Hearing.

I. DEL-11-049

Brian Houston

209 Fallsway Lane, Stafford, VA 22554

Property Address: 1083 Swanson Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-13-14-0210

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 large storage container/structure in the rear yard. **(Enforcement Services Officer Julie Hughes)**

Order of Non-Compliance, gave 30 days to get answer/solution for storage container in back yard. Meet with Dale Baker and Building Dept. to get it permitted or start the process for a Variance. Return for May 25, 2011 Hearing. Brian Houston was present.

J. DEL-11-052

Gregory and John Cholewin, Valerie Brown and Patricia Renner

2905 Cottondale Dr., Deltona, Florida 32738

Property Address: 2905 Cottondale Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-32-53-0140

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, garage 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)**

Order of Non- Compliance, Hearing to impose fine May 25, 2011.

K. DEL-11-053

**Gregory and John Cholewin, Valerie Brown and Patricia Renner
2905 Cottdale Dr., Deltona, Florida 32738
Property Address: 2905 Cottdale Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-32-53-0140**

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, Hearing to impose fine May 25, 2011.

L. DEL-11-054

**Michael C. Darch
1065 East Gaucho Circle, Deltona, Florida 32725
Property Address: 1065 East Gaucho Circle, Deltona, Florida 32725
Parcel No.: 30-18-31-10-20-0220**

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 seawall and the boat dock/house. **(Enforcement Services Officer Albert Grimsley)**

Withdrawn

M. DEL-11-055

**Ziba Oliai
1980 Montecito Ave., Deltona, Florida 32738
Property Address: 1980 Montecito Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-45-13-0030**

Violation of 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 Danny Ron)**

Order of Non-Compliance

N. DEL-11-059

Harif Jimenez and Joseline Irizarry
1521 Roble Lane, Deltona, Florida 32738
Property Address: 1521 Roble Lane, Deltona, Florida 32738
Parcel No.: 30-18-31-47-11-0020

Violation of City of Deltona Ordinance, Section 110-807 (5), which states that no stock or commodity shall be kept or sold upon the premises. **(Enforcement Services Officer Steve Braukhoff)**

Carried forward for 30 days to next Hearing, May 25, 2011. Will make a decision at that time. Request that all Vehicle Registrations and Tag information be provided for all vehicles in question. Harif Jimenez and Joseline Irizarry (sworn in as interpreter) were present.

O. DEL-11-060

Harif Jimenez and Joseline Irizarry
1521 Roble Lane, Deltona, Florida 32738
Property Address: 1521 Roble Lane, Deltona, Florida 32738
Parcel No.: 30-18-31-47-11-0020

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 on the property. **(Enforcement Services Officer Steve Braukhoff)**

Carried forward for 30 days to next Hearing, May 25, 2011. Will make a decision at that time. Request that all Vehicle Registrations and Tag information to be provided for all vehicles in question. Harif Jimenez and Joseline Irizarry (sworn in as interpreter) were present.

Tow Order was granted to tow all vehicles that are inoperable or untagged.

P. DEL-11-061

Harif Jimenez and Joseline Irizarry
1521 Roble Lane, Deltona, Florida 32738
Property Address: 1521 Roble Lane, Deltona, Florida 32738
Parcel No.: 30-18-31-47-11-0020

Violation of City of Deltona Ordinance, Section 110-807.06. No mechanical equipment shall be used except such as is permissible for purely domestic and household uses. Further, no equipment shall be used in the home occupation which creates fire hazards, electrical interference, noise, vibration, glare, fumes or odors detectable to the normal senses off the lot if the occupation is conducted in a single-family dwelling or mobile home dwelling, or outside the dwelling if conducted in other than a single-family dwelling or mobile home dwelling. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. **(Enforcement Services Officer Steve Braukhoff)**

Carried forward for 30 days to next Hearing, May 25, 2011. Will make a decision at that time. Request that all Vehicle Registrations and Tag information be provided for all vehicles in question. Harif Jimenez and Joseline Irizarry (sworn in as interpreter) were present.

Q. DEL-11-062

Fanny Perez

9216 Amity Court, Orlando, Florida 32817

Property Address: 2012 Elkcam Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-31-12-0110

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 on the property. **(Enforcement Services Officer Richard Lovett)**

Order of Non Compliance, Hearing to impose fine May 25, 2011 Code Hearing. Fine of \$100.00 a day to run until violation is corrected or a cap of \$10,000.00 is met, effective May 26, 2011, if this property/owner is still in violation.

R. DEL-11-063

Fanny Perez

9216 Amity Court, Orlando, Florida 32817

Property Address: 2012 Elkcam Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-31-12-0110

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, Hearing to impose fine May 25, 2011 Code Hearing. Fine of \$100.00 a day to run until violation is corrected or a cap of \$10,000.00 is met, effective May 26, 2011, if this property/owner is still in violation.

S. DEL-11-064

LCG Deltona Homes LLC

5560 Curry Ford Rd., Orlando, Florida 32822

Property Address: 660 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 36-18-30-05-01-0060

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)**

Withdrawn

T. DEL-11-065

Hernandez Honorio and Nilda Rodriguez JTWRs
930 Radcliff St, Deltona, Florida 32725
Property Address: 930 Radcliff St., Deltona, Florida 32725
Parcel No.: 30-18-31-30-17-0090

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)**

Withdrawn

U. DEL-11-068

Gregory S. Bond ETALS
656 San Pablo Ave., Casselberry, Florida 32707
Property Address: 2580 Ludlow St., Deltona, Florida 32738
Parcel No.: 30-18-31-33-06-0060

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 Danny Ron)**

Withdrawn

11. OTHER BUSINESS:

A. DEL-11-058 Repeat Case for DEL-10-019

Kenisha L. James and Damani Robinson
2373 Lake Helen Osteen Rd., Deltona, Florida 32738
Property Address: 2373 Lake Helen Osteen Rd., Deltona, Florida 32738

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 Danny Ron)**

Repeat offender and violation, Non-Compliance. Fine effective as of April 6, 2011, at \$250.00 a day with a cap of \$20,000.00. Order to secure the pool immediately, and Ordered that a lien be placed on the property for the cost to secure the pool.

12. DISCUSSION:

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

13. ADJOURNMENT: Meeting adjourned at 7:10 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 CINO

HEARING CLERK, SONJIA KIHLMIRE