

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, August 24, 2011**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, August 24, 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

Also present were: Enforcement Services Officers; Danny Ron, Richard Lovett, Shanna Hogan, Steve Braukhoff, Dennis Mues and Dave DeKruif.

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 July 27, 2011 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated there were no announcements.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-11-090

Charles A. Lasseigne Jr.

1864 Tripoli Ave., Deltona, Florida 32725

Property Address: 1864 Tripoli Ave., Deltona, Florida 32725

Parcel no.: 30-18-31-03-47-0220

Violation of 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)**

Order of Compliance, Respondent has come into compliance.

B. DEL-11-092

Michael and Maribel Aponte Elliot
3101 Yorkshire Dr., Deltona, Florida 32738-1059
Property Address: 3101 Yorkshire Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-35-27-0120

Violation of City of Deltona Ordinance, Section 66-19(3), which states that boats/trailers/recreational vehicles shall not be parked or stored either within a public right of way or 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. **(Enforcement Services Officer Richard Lovett)**

Order of Compliance, Respondent has come into compliance.

C. DEL-11-098

Robert P. Meagher TR
Robert P. Meagher Living Trust
1942 Evard Ave., Deltona, Florida 32725
Property Address: 1942 Evard Ave., Deltona, Florida 32725
Parcel No.: 30-18-31-15-19-0110

Violation of City of Deltona Ordinance, Section 4-2, which states it is unlawful for a person to permit animals to become a public nuisance. An animal is declared a public nuisance if it is repeatedly found at large. **(Enforcement services Officer Shanna Seda-Hogan)**

Non Compliance at the time of the violation, then they came into compliance and the case was dismissed.

10. NEW BUSINESS:

A. DEL-11-099

Ralph J. Lucchese & Hipolito Davila
1911 Piper Terrace, Deltona, Florida 32738
Property Address: 1235 Myra Court, Deltona, Florida 32738
Parcel No.: 30-18-31-38-28-0130

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 Dave DeKruif)**

Order of Non Compliance, Hearing to impose fine at the September 28, 2011 Code Hearing, if still in violation.

B. DEL-11-100

Ralph J. Lucchese & Hipolito Davila
1911 Piper Terrace, Deltona, Florida 32738
Property Address: 1235 Myra Court, Deltona, Florida 32738
Parcel No.: 30-18-31-38-28-0130

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 Dave DeKruif)

Order of Non Compliance, Hearing to impose fine at the September 28, 2011 Code Hearing, if still in violation.

C. DEL-11-101

Ralph J. Lucchese & Hipolito Davila
1911 Piper Terrace, Deltona, Florida 32738
Property Address: 1235 Myra Court, Deltona, Florida 32738
Parcel No.: 30-18-31-38-28-0130

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, objects that are not incidental to a residential use, shall be prohibited. (Enforcement Services Officer Dave DeKruif)

Order of Non Compliance, Hearing to impose fine at the September 28, 2011 Code Hearing, if still in violation.

D. DEL-11-102

Jeffrey S. Farmer
76 Fort Smith Blvd., Deltona, Florida 32738
Property Address: 76 Fort Smith Blvd., Deltona, Florida 32738
Parcel No.: 30-18-31-62-28-0050

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 303.2, which states that all private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barriers away from the pool. (Enforcement Services Officer Steve Braukhoff)

Case continued to the September 28, 2011 Code Hearing. The Respondent was given 10 days to correct this violation or the City will abate this dangerous situation with the pool.

E. DEL-11-103

Dorothy M. Ensor

3694 Pamona St., Deltona, Florida 32738

Property Address: 3694 Pamona St., Deltona, Florida 32738

Parcel No.: 30-18-31-62-28-0030

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, 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. (Enforcement Services Officer Steve Braukhoff)

Mr. Larry Ensor was present at the Hearing, Order of Non Compliance was levied, with a Hearing to impose fine at the September 28, 2011 Code Hearing, if still in violation of no permit for the deck, bar and slide around the swimming pool.

F. DEL-11-104

Edward A. & Eileen T. Osgood

3169 Fifer Dr., Deltona, Florida 32738-1383

Property Address: 3169 Fifer Dr., Deltona, Florida 32738-1383

Parcel No.: 30-18-31-34-48-0130

Violation of 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 and sound structural condition. (Enforcement Services Officer Danny Ron)

The Osgoods were present at this Hearing and stated the property is in Lis Pendens and will be foreclosed. The Special Magistrate levied an Order of Non Compliance.

G. DEL-11-105

Berthony Dumas

2509 Courtland Blvd., Deltona, Florida 32738

Property Address: 2509 Courtland Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-32-19-0140

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)

Respondents were present and stated they are working on the issues on their property. Order of Non Compliance with a Hearing to impose fine will be held September 28, 2011, if the violation still exists.

H. DEL-11-106

Berthony Dumas

2509 Courtland Blvd., Deltona, Florida 32738

Property Address: 2509 Courtland Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-32-19-0140

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. (Enforcement Services Officer Danny Ron)

Respondents were present and stated they are working on the issues on their property. Trying to get outside assistance for repairs. Order of Non Compliance with a Hearing to impose fine will be held September 28, 2011, if the violation still exists.

I. DEL-11-109

Javier Cruz

2974 Fifer Dr., Deltona, Florida 32738

Property Address: 3169 Canby Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-34-13-0040

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, 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 new doors. (Enforcement Services Officer Richard Lovett)

Non Compliance at the time of the violation, then they came into compliance and the case was dismissed.

J. DEL-11-110

Javier Cruz

2974 Fifer Dr., Deltona, Florida 32738

Property Address: 3169 Canby Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-34-13-0040

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, 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 new windows. (Enforcement Services

Officer Richard Lovett)

Non Compliance at the time of the violation, then they came into compliance and the case was dismissed.

K. DEL-11-111

Mohamed I. Azad

3194 Mapleshade St., Deltona, Florida 32738

Property Address: 3194 Mapleshade St., Deltona, Florida 32738

Parcel No.: 30-18-31-73-14-0080

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states that all accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. (Enforcement Services Officer Richard Lovett)

Order of Non Compliance, Hearing to impose fine at the September 28, 2011 Code Hearing, if still in violation. Officer Lovett to check on September 27, 2011 if property in compliance, prior to Hearing.

L. DEL-11-112

Thomas J. and Tammy Ryan

2789 Sweet Springs St., Deltona, Florida 32738

Property Address: 2789 Sweet Springs St., Deltona, Florida 32738

Parcel No.: 30-18-31-32-57-0380

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states that all accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. (Enforcement Services Officer Richard Lovett)

Property is in Lis Pendens (suit pending). The Special Magistrate levied an Order of Non Compliance.

M. DEL-11-113

Carlos E. Rojas

42 Clement Ave., Bay Point, CA 94565

1077 Abadan Dr., Deltona, Florida 32725

Property Address: 1361 Azora Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-07-72-0260

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 Dennis Mues)

Order of Non Compliance, Hearing to impose fine at the September 28, 2011 Code Hearing, if still in violation.

N. DEL-11-114

**Greg Thims TR –Tivoli Land Trust
PO Box 390627, Deltona, Florida 32739-0627
Property Address: 1208 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-07-61-0120**

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 the owner's immediate family, shall make 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 Dennis Mues)

Property is in Lis Pendens (suit pending). The Special Magistrate levied an Order of Non Compliance.

11. OTHER BUSINESS:

12. DISCUSSION:

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

13. ADJOURNMENT: Meeting adjourned at 6:15 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