

**CITY OF DELTONA, FLORIDA  
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES  
Wednesday, September 28, 2011**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, September 28, 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; Richard Lovett, Shanna Hogan, Steve Braukhoff and Dennis Mues.

**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 August 24, 2011 were approved, by Special Magistrate, Charles Cino.

**7. ANNOUNCEMENTS:** - The Director of Enforcement Services, Dale Baker, states under Old Business, case DEL-11-096 and case DEL-11-103 are in compliance. Under New Business, case DEL-11-118, case DEL-11-119, case DEL-11-131, case DEL-11-132 and case DEL-11-133 are withdrawn.

**8. SWEARING IN OF OFFICERS AND WITNESSES:**

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

**9. OLD BUSINESS:**

**A. DEL-11-096**

**Migdalia Ortiz & Juan Escobar JTRS  
1788 Saxon Blvd., Deltona Florida 32725  
Property Address: 1788 Saxon Blvd., Deltona, Florida 32725  
Parcel No.: 30-18-31-03-19-0250**

**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 Mark Gibson)

**In compliance** has obtained a permit on September 28, 2011. Order of Compliance.

**B. 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)

**Found to be in Compliance.** Order of Compliance.

**C. 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)

**Found to be in Compliance** as of 4:00 pm this afternoon. Order of Compliance.

**D. 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** imposing a fine of \$100.00 a day, effective September 28, 2011 to run until violation is corrected or a cap of \$10,000.00 is met.

**E. 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)

**Mr. Rojas** and his Contractor were present. Granted 30 days to obtain a permit. First Amended Order – Non Compliance with intent to impose fine at the October 26, 2011 Code Hearing.

**9. NEW BUSINESS:**

**A. DEL-11-116**

**Janice C. Swick & Leonard Crary**

**2280 Fox Chapel Court, Deltona, Florida 32738**

**Property Address: 2280 Fox Chapel Court, Deltona, Florida 32738**

**Parcel No.: 30-18-31-58-04-0010**

**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 Richard Lovett)

**Order of Non Compliance**, Hearing to impose fine at the November 22, 2011

Code Hearing.

**B. DEL-11-117**

**Janice C. Swick & Leonard Crary**  
**2280 Fox Chapel Court, Deltona, Florida 32738**  
**Property Address: 2280 Fox Chapel Court, Deltona, Florida 32738**  
**Parcel No.: 30-18-31-58-04-0010**

**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 Richard Lovett)

**Order of Non Compliance**, Hearing to impose fine at the November 22, 2011 Code Hearing.

**C. DEL-11-118**

**Jose M. Franco & Emerita C. Franco**  
**4346 Adobe Dr., Palmdale, CA 93552**  
**Property Address: 2265 Carson Lane, Deltona, Florida 32738**  
**Parcel No.:30-18-31-45-17-0070**

**Violation** of City of Deltona Ordinance, Section 38-110, 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 Danny Ron)

**Withdrawn**

**D. DEL-11-119**

**Jose M. Franco & Emerita C. Franco**  
**4346 Adobe Dr., Palmdale, CA 93552**  
**Property Address: 2260 Henry Lane, Deltona, Florida 32738**  
**Parcel No.:30-18-31-45-17-0060**

**Violation** of City of Deltona Ordinance, Section 38-110, 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 Danny Ron)

**Withdrawn**

**E. DEL-11-120**

**Charles & Brandy Dunn**  
**2769 Corrigan Dr., Deltona, Florida 32738**  
**Property Address: 2769 Corrigan Dr., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-32-59-0320**

**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 Richard Lovett)

**Order of Non Compliance**, Hearing to impose fine at the October 26, 2011 Code Hearing.

**F. DEL-11-122**

**Francisco Muniz**  
**53 Homer Place, Mutuchen, NJ 08840**  
**Property Address: 2350 Florida Dr., Deltona Florida 32738**  
**Parcel No.: 30-18-31-74-28-0170**

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

**Found to be in Non Compliance** at time of violation. Now in compliance - Order of Dismissal.

**G. DEL-11-123**

**Margaret B. Gumbs**  
**1495 Elkcam Blvd., Deltona, Florida 32725-3733**  
**Property Address: 1495 Elkcam Blvd., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-09-32-0110**

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

**Order of Non Compliance**, Hearing to impose fine at the October 26, 2011 Code Hearing. Mr. Webb & Cherise Richards were present.

**H. DEL-11-124**

**Margaret B. Gumbs**  
**1495 Elkcam Blvd., Deltona, Florida 32725-3733**  
**Property Address: 1495 Elkcam Blvd., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-09-32-0110**

**Violation** of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 303.1, which states that swimming pools shall be maintained in a clean and sanitary condition and kept in good repair. (Enforcement Services Officer Shanna Hogan)

**In Compliance**. Mr. Webb & Cherise Richards were present.

**I. DEL-11-125**

**Margaret B. Gumbs**

**1495 Elkcarn Blvd., Deltona, Florida 32725-3733**

**Property Address: 1495 Elkcarn Blvd., Deltona, Florida 32725**

**Parcel No.: 30-18-31-09-32-0110**

**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. (Enforcement Services Officer Shanna Hogan)

**Order of Non Compliance**, Hearing to impose fine at the October 26, 2011 Code Hearing. Mr. Webb & Cherise Richards were present.

**J. DEL-11-126**

**Robert Craig and Nancy Church JTRS**

**2066 Dalton Ave., Deltona, Florida 32725**

**Property Address: 2066 Dalton Ave., Deltona, Florida 32725**

**Parcel No.: 17-18-31-01-02-0200**

**Violation** of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 303.1, which states that swimming pools shall be maintained in a clean and sanitary condition and kept in good repair. (Enforcement Services Officer Shanna Hogan)

**Order of Non Compliance**, Hearing to impose fine at the October 26, 2011 Code Hearing. Robert Craig Church and Nancy Church were present.

**K. DEL-11-127**

**Timothy P. Frew**

**1299 North Old Mill Rd., Deltona, Florida 32725**

**Property Address: 1299 North Old Mill Rd., Deltona, Florida 32725**

**Parcel No.: 30-18-31-26-08-0090**

**Violation** of City of Deltona Ordinance, Section 66-19(a)1, which states that recreational vehicles shall have a current license plate or validation sticker affixed. (Enforcement Services Officer Shanna Hogan)

**Order of Non Compliance**. Hearing to impose fine of up to \$250.00/day at the October 26, 2011 Code Hearing. No one present.

**L. DEL-11-128**

**Timothy P. Frew**

**1299 North Old Mill Rd., Deltona, Florida 32725**

**Property Address: 1299 North Old Mill Rd., Deltona, Florida 32725**

**Parcel No.: 30-18-31-26-08-0090**

**Violation** of City of Deltona Ordinance, Section 66-18(h), which states that a maximum of two (2) vehicles may be parked in the side or rear yard, which is restrictions on trucks and other vehicles. (Enforcement Services Officer Shanna

Hogan)

**Order of Non Compliance.** Hearing to impose fine of up to \$250.00/day at the October 26, 2011 Code Hearing. No one present.

**M. DEL-11-129**

**Timothy P. Frew**  
**1299 North Old Mill Rd., Deltona, Florida 32725**  
**Property Address: 1299 North Old Mill Rd., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-26-08-0090**

**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 Shanna Hogan)

**Order of Non-compliance.** Hearing to impose fine of up to \$250.00/day at the October 26, 2011 Code Hearing. No one present.

**N. DEL-11-131**

**Henry Carroll**  
**3290 West Parkville St., Lecanto, Florida 34461-7914**  
**Property Address: 1052 Gage Ave., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-57-03-0060**

**Violation** of City of Deltona Ordinance, Section 66-18(1), which states that all vehicles parked or stored on the property must be registered or assigned to the resident/residence and/or their temporary guest. (Enforcement Services Officer Steve Braukhoff)

**Withdrawn**

**O. DEL-11-132**

**Henry Carroll**  
**3290 West Parkville St., Lecanto, Florida 34461-7914**  
**Property Address: 1052 Gage Ave., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-57-03-0060**

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

**Withdrawn**

**P. DEL-11-133**

**Walter & Lucille Rhone**  
**642 Nardello Dr., Deltona, Florida 32725-8211**  
**Property Address: 642 Nardello Dr., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-20-03-0080**

**Violation** of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 303.1, which states that swimming pools shall be maintained in a clean and sanitary condition and kept in good repair. (Enforcement Services Officer Dennis Mues)

**Withdrawn**

**10. OTHER BUSINESS:**

**DEL-11-130 Repeat of DEL-11-098**  
**Robert P. Meagher TR/ Robert 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, nuisance animal. It is unlawful for a person to permit animals to become a public nuisance. An animal shall be declared a public nuisance animal if such animal: (1) Is repeatedly found at large. (Enforcement Services Officer Shanna Hogan)

**Order** of Non Compliance – Found to be in possession of a prohibited and public nuisance animal. Hearing to impose fine October 26, 2011. Notification of Code Hearing October 26, 2011 to be hand served by VCSO or Officer Shanna Hogan.

**11. 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**