

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, May 30, 2012**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, May 30, 2012 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
Hearing Clerk	Sonjia Kihlmire	Present
Director	Dale Baker	Present

Also present were: Enforcement Services Officers; Shanna Hogan, Julie Hughes, Richard Lovett, Dennis Mues, Danny Ron and Tray Black.

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 April 25, 2012 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director, Dale Baker, states that under, New Business, case(s) DEL-12-101 and DEL-12-103, are withdrawn. DEL-12-057, under Old Business has been brought into Compliance and an Order of Compliance was signed by the Special Magistrate.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-12-057

Raymond K. Rautenstrauch
2607 South Woodland Blvd., Box 197, Deland Florida 32720
Property Address: 1458 Summit Hill Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-71-14-0060

Violation of City of Deltona Ordinance, Section 74-51(e), (prohibited structures), which states that any sporting equipment temporarily or permanently placed (e.g. basketball goals) or homemade or other non-conforming traffic control devices are strictly not permitted as a matter of safety. (Enforcement Services Officer Lonnie Wilson)

Respondent and/or tenant found to be in Non-Compliance and a fine of \$100.00 a day was issued, effective May 31, 2012, and to continue until property is in compliance or a cap of \$20,000.00 is met. The Respondent has come into compliance, effective May 25, 2012, per Officer Lonnie Wilson and an Order of Compliance was signed and given to Raymond K. Rautenstrauch at this Hearing.

B. DEL-12-076

LUCA Property LLC
1471 Edison Terrace, Deltona, Florida 32725
Property Address: 1668 Brentlawn St., Deltona, Florida 32725
Parcel No.: 30-18-31-55-24-0170

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(s) for a room enclosure. (Enforcement Services Officer Julie Hughes)

Order of First Amended Order of Non Compliance issued, with a Hearing to impose penalty/fine at the June 27, 2012 Code Hearing.

10. New Business:

A. DEL-12-084

Michael and Norma Soto
PO Box 5938
Property Address: 2965 Foxboro Circle, Deltona, Florida 32738
Parcel No.: 30-18-31-39-06-0150

Violation of City of Deltona Ordinance, Section 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 unit. (Enforcement Services Officer Shanna Hogan)

Officer Hogan continued this case until the May 30, 2012 Code Hearing, to allow more time to acquire the business tax license. License was obtained on May 30, 2012. Case found to be in Non-Compliance at the time of the violation, was brought into Compliance and is now Dismissed.

B. DEL-12-085

Michael and Norma Soto
PO Box 5938, Deltona, Florida 32728
Property Address: 3237 London Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-35-15-0090

Violation of City of Deltona Ordinance, Section 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 unit. (Enforcement Services Officer Shanna Hogan)

Officer Hogan continued this case until the May 30, 2012 Code Hearing, to allow more time to acquire the business tax license. License was obtained on May 30, 2012. Case found to be in Non-Compliance at the time of the violation, was brought into Compliance and is now Dismissed.

C. DEL-12-087

Michael and Norma Soto
3051 Norlina St., Deltona, Florida 32738
Property Address: 3076 Norlina St., Deltona, Florida 32738
Parcel No.: 30-18-31-68-03-0090

Violation of City of Deltona Ordinance, Section 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 unit. (Enforcement Services Officer Shanna Hogan)

Officer Hogan continued this case until the May 30, 2012 Code Hearing, to allow more time to acquire the business tax license. License was obtained on May 30, 2012. Case found to be in Non-Compliance at the time of the violation, was brought into Compliance and is now Dismissed.

D. DEL-12-092

Keith And Jody L. Pojero

1424 Independence Ave., Deltona, Florida 32725-6435

Property Address: 1424 Independence Ave., Deltona, Florida 32725

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

Violation: City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 108.1.5(9) which states a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease. (Enforcement Services Officer Julie Hughes)

Found in Non-Compliance. Order issued for \$250.00 a day, effective May 31, 2012 and to run for 90 days (\$22,500.00 total), unless compliance is achieved prior to that date.

E. DEL-12-093

Leonard Unger

1002 East 59th St., Brooklyn, NY 11234-2506

Property Address: 847 Crawford St., Deltona, Florida 32725

Parcel No.: 30-18-31-28-10-0180

Violation: City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 108.1.5(9) which states a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Violations of 304.6, which states that exterior walls shall be free from holes, breaks, loose or rotting surfaces and the surface should be properly coated where required to prevent deterioration. Violation of 304.7, which states that roof and flashing shall be sound, tight and not have defects that admit rain. Violation of 304.13, which states that every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. Violation of 305.3, which states that all interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed, or covered and defective surface conditions shall be corrected. (Enforcement Services Officer Dennis Mues)

Found in Non-Compliance. Order issued for \$250.00 a day, effective May 31, 2012 and to run for 90 days (\$22,500.00 total), unless compliance is achieved prior to that date.

F. DEL-12-094

Theresa C. Konash

PO Box 4098, Deltona, Florida 32725

Property Address: 1237 West Portillo Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-13-12-0100

Violation of City of Deltona Ordinance, Section 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 unit. (Enforcement Services Officer Tray Black)

An Order of Non Compliance was issued with a Hearing to impose fine at the June 27, 2012 Code Hearing.

G. DEL-12-095

Danielle D. Kelly

3390 Somerset Ave., Deltona, Florida 32738

Property Address: 3390 Somerset Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-54-01-0130

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 within that portion of a lot across the full width of the lot between the front lot line and the front most part of the principle structure. (Enforcement Services Officer Richard Lovett)

Compliance was obtained. Case found to be in Non-Compliance at the time of the violation, was brought into Compliance and is now Dismissed.

H. DEL-12-096

Orlando And Zoraida Matthey

1894 Van Allen Circle, Deltona, Florida 32738

Property Address: 1894 Van Allen Circle, Deltona, Florida 32738

Parcel No.: 30-18-31-36-05-0030

Violation of City of Deltona Ordinance, Section 66-18(a), which states that no vehicle greater than 10,000 pounds manufacturer's gross weight or designed to carry 16 or more passengers, or requiring a commercial driver's license (CDL) of any endorsement to operate shall be parked or stored in any residential lot or agricultural zoning district except in agricultural areas on lots of five acres or more. (Enforcement Services Officer Richard Lovett)

Compliance was obtained. Case found to be in Non-Compliance at the time of the violation, was brought into Compliance and is now Dismissed. Tow Order was Ordered and signed by the Special Magistrate, due to past violations/warnings.

I. DEL-12-097

Alex P. And Leah J. Digges

10 Bass Lake Dr., Debary, Florida 32713

Property Address: 1621 Bloomfield Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-72-03-0120

Violation 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. In addition, storage of materials relating to residential use, children's play toys, firewood, brush, logs or any other material intended to be used in fireplaces or other permitted burning facilities, shall be permitted only in the rear yard to the rear wall of the home. (Enforcement Services Officer Julie Hughes)

Alex Digges was present and requested additional time. An Order of Non Compliance was issued with a Hearing to impose fine at the June 27, 2012 Code Hearing.

J. DEL-12-099

Stephanie S. Burnham

3370 Commerce Ave., Deltona, Florida 32738

Property Address: 3370 Commerce Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-34-29-0060

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 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)

An Order of Non Compliance was issued. Property is in Lis Pendis. Ms. Burnham was present and stated she is moving out of this residence.

K. DEL-12-100

Moszelle Hicks

587 Gainsboro St., Deltona, Florida 32725

Property Address: 587 Gainsboro St., Deltona, Florida 32725

Parcel No.: 30-18-31-03-59-0260

Violation of the City of Deltona Ordinance, Section Sec. 14-3 (c) It shall be unlawful to keep, maintain or raise in the city more than five dogs and/or cats on one parcel of land of one acre or less. (Enforcement Services Officer Shanna Hogan)

Compliance was obtained. Case found to be in Non-Compliance at the time of the violation, was brought into Compliance and is now Dismissed. Ms. Hicks was present at the Hearing.

L. DEL-12-101

Mirna L. Mazzella

451 Rockford St., Deltona, Florida 32725

Property Address: 451 Rockford St., Deltona, Florida 32725

Parcel No.: 30-18-31-70-07-0140

Violation: 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)

Withdrawn.

M. DEL-12-102

Stephanie S. Burnham

3370 Commerce Ave., Deltona, Florida 32738

Property Address: 3370 Commerce Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-34-29-0060

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)

An Order of Non Compliance was issued. Property is in Lis Pendis. Ms. Burnham was present and stated she is moving out of this residence.

N. DEL-12-103

Rose R. Frigo

2308 Carelton St., Berkley, CA 94704

Property Address: 2745 Beckwith St., Deltona, Florida 32738

Parcel No.: 30-18-31-34-38-0070

Violation of City of Deltona Ordinance, Section 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 unit. (Enforcement Services Officer Danny Ron)

Withdrawn.

O. DEL-12-104

**Matthew West LLC TR, 3220 Courtland Land Trust
415 Lochmond Dr., Fern Park, Florida 32730
Property Address: 3220 Courtland Blvd., Deltona, Florida 32738
Parcel No.: 30-18-31-34-19-0040**

Violation of City of Deltona Ordinance, Section 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 unit. (Enforcement Services Officer Danny Ron)

An Order of Non Compliance was issued with a Hearing to impose fine at the June 27, 2012 Code Hearing.

11. OTHER BUSINESS:

12. DISCUSSION:

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

13. ADJOURNMENT (6:20 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