

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, July 25, 2012**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, July 25, 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
Deputy City Manager	Dave Denny	Present

Also present were: Enforcement Services Officers; Shanna Hogan, Julie Hughes, Richard Lovett, Danny Ron, Steve Braukhoff, 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 June 27, 2012 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director, Dale Baker, states that under, New Business, case(s) DEL-12-132 and DEL-12-133 are withdrawn.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-11-167

R.T. and Tara Hillery

1843 McCarthy Ave., Sanford, Florida 32771

Property Address: 1685 Brewton Circle, Deltona, Florida 32738

Parcel No.: 30-18-31-43-64-0080

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 second floor dwelling. (Enforcement Services Officer Steve Braukhoff)

Second Amended Order of Non-Compliance issued by the Special Magistrate. Must have a permit by August 20, 2012, prior to the August 22, 2012 Code Hearing, or a Hearing to impose fine will/may be held.

B. DEL-12-025

Genaro & Maria Castillo L/E

PO Box 336. Debarry, Florida 32713

Property Address: 767 West 9th St., Deltona, Florida 32725

Parcel No.: 30-18-31-20-12-0030

Violation of 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)

Third Amended Order of Non-Compliance issued by the Special Magistrate. Must have compliance by August 20, 2012, prior to the August 22, 2012 Code Hearing, or a Hearing to impose fine will/may be held.

C. 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)

Third Amended Order of Non-Compliance issued by the Special Magistrate. Must have compliance by August 20, 2012, prior to the August 22, 2012 Code Hearing, or a Hearing to impose fine will/may be held.

D. DEL-12-079

Wendy Cochran

720 Outrigger Dr., Deltona, Florida 32738

Property Address: 720 Outrigger Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-41-51-0040

Violation of Deltona Ordinance Section 14-9(e)

No person shall keep, maintain, raise, or feed, in the city, any animal determined to be a public nuisance in accordance with section 14-2 thereof.

Animals loose on this property are a Violation of Deltona Ordinance 14-2(10)

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:

(10)Has otherwise been determined to be a stray. (Enforcement Services Officer Steve Braukhoff)

Ms. Cochran was present at this Hearing. She was found to be in non-compliance at the time of the violation, completed tasks to bring her into compliance and now the case is dismissed.

E. 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)

Administrative fine of \$250.00 was imposed by the Special Magistrate.

F. 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)

The Respondent was found to be in non-compliance at the time of the violation, completed tasks to bring them into compliance and now the case is dismissed. An Order of Dismissal was so Ordered. (present)

G. DEL-12-107

Honorio Hernandez 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 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 Tray Black)

The owners were present for this Hearing. A second Amended Order of Non-Compliance was issued with a Hearing to impose fine at the September 26, 2012, Code Hearing.

H. DEL-12-108

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

Violation: City of Deltona Ordinance, Section 66-18(h), "Restrictions on trucks and other vehicles" which states that a maximum of (2) vehicles may be parked in the side or rear yard. (Enforcement Services Officer Tray Black)

The owners were present for this Hearing. Officer Black provided an Affidavit of Compliance.

I. DEL-12-119

Laurie D. Johnson
1195 Acorn Court, Deltona, Florida 32725-5745
Property Address: 1195 Acorn Court, Deltona, Florida 32725
Parcel No.: 30-18-31-02-20-0260

Violation 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 Julie Hughes)

First Amended Order of Non-Compliance issued. If compliance is not met by August 20, 2012, a Hearing to impose fine will/may be held at the August 22, 2012 Code hearing.

10. **New Business:**

A. **DEL-12-128**

Connie Biancardi

12724 Chittamwood Trail, Euless, Texas 76040

Property Address: 2820 Howland Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-39-09-0090

Violation of City of Deltona Ordinance, Section 11-2007, Chapter 22, Section 22-4, which states that no person shall engage in, manage, transact, or carry on any business, occupation or profession within the City for which there is a local business tax required by this article or any other provisions of this Code unless such person shall first procure a local business receipt to conduct the same from the City. It shall be no defense of nonpayment of any local business tax required by this article that the licensee did not receive any bill or notice that the same was due. (Enforcement Services Officer Shanna Hogan)

Order of Non-Compliance issued with a Hearing to impose fine at the August 22, 2012 Code Hearing.

B. **DEL-12-129**

Jane and Chester E. Giegold

3231 Glenmeadow Terrace, Deltona, Florida 32725-3059

Property Address: 3231 Glenmeadow Terrace, Deltona, Florida 32725

Parcel No.: 30-18-31-18-00-0660

Violation City of Deltona Ordinance, Section Sec. 4-2. 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:

(6) Barks, chirps, howls, meows, or makes other such prolonged and disturbing noises which interfere with the peace and quietude of the neighboring property when such noises continue for periods longer than 15 minutes. (Enforcement Services Officer Shanna Hogan)

The Respondent, Jane Giegold, was present along with many neighbors as witnesses in her favor. Also present were Donna & Richard Noel, the complainants. Mr. Cino felt there was a lot of conflicting testimony and continued the case to the August 22, 2012 Code Hearing, mostly to see if the issue continues.

C. DEL-12-130

Tracey L. Harris

2562 Beal St., Deltona, Florida 32738

Property Address: 2562 Beal St., Deltona, Florida 32738

Parcel No.: 30-18-31-32-66-0280

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 Richard Lovett)

A Tow Order was requested by Officer Lovett, due to the extensive history at this property. It was signed by the Special Magistrate at this Hearing.

D. DEL-12-131

David J. Macaluso and Daria Macaluso

410 Twisting Pines Circle, Longwood Florida 32779

Property Address: 2332 Bannister St., Deltona, Florida 32738

Parcel No.: 30-18-31-45-25-0180

Violation of City of Deltona Ordinance, Section 66-19(3), which states 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 front most part of the principle structure. (Enforcement Services Officer Richard Lovett)

The Respondent was found to be in non-compliance at the time of the violation, completed tasks to bring them into compliance and now the case is dismissed. An Order of Dismissal was so Ordered.

E. DEL-12-132

Zainool Hosein EST

1434 NE Old Mill Rd., Deltona, Florida 32725

Property Address: 1322 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-06-03-0100

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 Dennis Mues)

Withdrawn

F. DEL-12-133 -WITHDRAWN

Peter Pober

2 Second Place, Brooklyn, NY 11231

Property Address: 651 Fort Smith Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-21-06-0220

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 Dennis Mues)

G. DEL-12-136

German I. and Keira Espada

1516 Coronet Dr., Deltona, Florida 32725

Property Address: 1516 Coronet Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-11-46-0210

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 water heater. (Enforcement Services Officer Julie Hughes)

Order of Non-Compliance issued with a Hearing to impose fine at the August 22, 2012 Code Hearing.

H. DEL-12-137

German I. and Keira Espada

1516 Coronet Dr., Deltona, Florida 32725

Property Address: 1516 Coronet Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-11-46-0210

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 Julie Hughes)

Order of Non-Compliance issued with a Hearing to impose fine at the August 22, 2012 Code Hearing.

I. DEL-12-138

Charles Allan Augliera ETAL

C/o 1133 E. Hancock Dr., Deltona, Florida 32725

Property Address: 1133 East Hancock Dr., Deltona, Florida 32725

Parcel no.: 30-18-31-05-74-0140

Violation City of Deltona Ordinance, Section 18-5, adopting 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 Julie Hughes)

Order of Non-Compliance issued with a Hearing to impose fine at the August 22, 2012 Code Hearing.

J. DEL-12-139

Ludmils C. Antonos Sr. and Martine G. R. Colon

1505 Fort Clarke Blvd., Apt 5208, Gainesville, Florida 32606-7199

Property Address: 3130 Cabot Court, Deltona, Florida 32738

Parcel No.: 30-18-31-32-99-0410

Violation City of Deltona Ordinance, Section 4-2. 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 Danny Ron)

Linda Bruce, the Property manager of this property was present, along with the Complainant, Susan Armon and the renters/owners of the dogs. Mr. Cino dismissed this case based on testimony that the animals are gone. If they return or haven't been relocated and the Officer or neighbors sight them, a \$100.00 a day fine will be implemented against the owner of this property.

K. DEL-12-140

Ludmils C. Antonos Sr. and Martine G. R. Colon
1505 Fort Clarke Blvd., Apt 5208, Gainesville, Florida 32606-7199
Property Address: 3130 Cabot Court, Deltona, Florida 32738
Parcel No.: 30-18-31-32-99-0410

Violation: City of Deltona Ordinance, Section 110-827.04(4), which states that one accessory driveway may connect across a side street yard on a single family residential corner lot to a low volume (0-1000 ADT) local street if all corner distance separation requirements of the Land Development Code, Chapter 96, can be met, there are no adverse stormwater impacts, no horizontal or vertical vision clearance issues, and a right-of-way use permit is obtained authorizing the connections in accordance with all applicable codes. (Enforcement Services Officer Danny Ron)

Order of Non-Compliance issued with a Hearing to impose fine at the August 22, 2012 Code Hearing. Row needs to be put back into the original condition.

L. DEL-12-141

Jesse F. and Melody Mclean
2541 Candlewick Dr., Deltona, Florida 32738
Property Address: 2541 Candlewick Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-42-03-0030

Violation City of Deltona Ordinance, Section 18-5, which adopting 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)

Order of Non-Compliance issued with a Hearing to impose fine at the August 22, 2012 Code Hearing.

11. OTHER BUSINESS:

A. DEL-11-062 and DEL-11-063

Fanny Perez

9216 Amity Court, Orlando Florida 32817

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

Parcel No.: 30-18-31-03-43-0190

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 Richard Lovett)

Violation 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)

Ms. Perez is requesting a recommendation for a reduction in fine for both cases.

Special Magistrate Cino stated that due to the large number of cases against this property and the time element for coming into compliance, his recommendation is for \$5,000.00 reduction for each case. Mr. Baker let her know that he would request that she be put on the August 20th, 2012 Commission Meeting, for a final approval by the Mayor and Commission.

B. DEL-09-083

Daniel Williams

1898 Van Allen Circle, Deltona, Florida 32738

Property Address: 1898 Van Allen Circle, Deltona Florida 32738

Parcel No.: 30-18-31-36-05-0050

Violation, 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 Richard Lovett)

Per Officer Richard Lovett, this shed was removed May 22, 2012 and an Affidavit of Compliance was recorded.

Evidence was presented to show that Chase Home Finance corrected the violation within one month of taking ownership. Due to the Resolution No. 2011-01, Section 1, which states that the City of Deltona will reduce any outstanding liens on distressed properties which are acquired by a new owner who in turn makes all repairs and corrections necessary to cause the property to become code compliant. Chase Home Finance was represented by Ted McCaskill Esq., with Butler & Hosch and who presented proof of the compliance date. Therefore the fine is \$1,000.00. Officer Richard Lovett will supply a First Amended Affidavit of Compliance based on this evidence.

12. DISCUSSION:

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

13. ADJOURNMENT (6:55 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