

**CITY OF DELTONA, FLORIDA  
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES  
Wednesday, March 27, 2013**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, March 27, 2013 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; Tray Black, Danny Ron, Shanna Hogan, Richard Lovett, Julie Hughes and Steve Braukhoff.

**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 February 27, 2013 were approved, by Special Magistrate, Charles Cino.**

**7. ANNOUNCEMENTS:** - The Director, Dale Baker, states that under, Old Business, case(s) DEL-13-011 and DEL-13-020, DEL-13-025, DEL-13-026 are in compliance. DEL-13-029 in compliance and under New Business cases DEL-13-043, DEL-13-045, DEL-13-055 and DEL-13-056 were withdrawn.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-12-160**

**Michael Ingrao**

**116 East Citrus St., Altamonte Springs, Florida 32701**

**Property Address: 2940 Surf Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-33-11-0260**

**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 is properly coated where required to prevent deterioration. (Enforcement Services Officer Danny Ron)

Mr. Ingrao was present at this Hearing. Special Magistrate Cino gave him until April 24, 2013 to come into compliance or a fine of \$100.00 a day, with a \$20,000.00 cap would be effective April 25, 2013.

**B. DEL-12-193**

**Donna Martin**

**3071 Snow Dr., Deltona, Florida 32738**

**Property Address: 3071 Snow Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-33-03-0080**

**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 the pool and deck. (Enforcement Services Officer Danny Ron)

Compliance.

**C. DEL-13-011**

**Byron A., Henry P. and Donna Knibbs**

**1468 Eden Dr., Deltona, Florida 32725-3766**

**Property Address: 1468 Eden Dr., Deltona, Florida 32725**

**Parcel No.: 30-18-31-09-33-0180**

**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)

Compliance.

**D. DEL-13-020**

**Thomas and Christina Redington**  
**2975 Windsor Heights, Deltona, Florida 32738-2604**  
**Property Address: 2975 Windsor Heights St., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-32-27-0270**

**Violation** of City of Deltona Ordinance, Section 14-9(e), which states that 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 (stray cats) (Enforcement Services Officer Danny Ron)

Compliance.

**E. DEL-13-025**

**Randy Lee and Susan Bergman**  
**1194 Gage Ave., Deltona, Florida 32738**  
**Property Address: 1194 Gage Ave., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-38-14-0120**

**Violation** of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 304.13, which states that every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. (Enforcement Services Officer Steve Braukhoff)

Compliance.

**F. DEL-13-026**

**Randy Lee and Susan Bergman**  
**1194 Gage Ave., Deltona, Florida 32738**  
**Property Address: 1194 Gage Ave., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-38-14-0120**

**Violation** of 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 Steve Braukhoff)

Compliance.

**G. DEL-13-027**

**Randy Lee and Susan Bergman**  
**1194 Gage Ave., Deltona, Florida 32738**  
**Property Address: 1194 Gage Ave., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-38-14-0120**

**Violation** City of Deltona Ordinance, Section 18-5, reference to 304.6, adopting the latest edition of the International Property Maintenance Code, 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 Steve Braukhoff)

Katherine Bergman was present at the Hearing. Special Magistrate Cino gave her additional time to come into compliance. First amended Order of Non Compliance with a Hearing to impose Fine at the June 26, 2013 Code Hearing.

**H. DEL-13-028**

**Randy Lee and Susan Bergman**  
**1194 Gage Ave., Deltona, Florida 32738**  
**Property Address: 1194 Gage Ave., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-38-14-0120**

**Violation** of City of Deltona Ordinance, Section 14-141(c) It shall be the duty of the owner or person responsible for any dog or cat brought into the city or acquired to have the dog or cat licensed in accordance with this division within 15 days after the dog or cat is brought into the city or acquired, or before the dog or cat reaches six months of age, whichever comes first.

Section 14-141(f) It is the responsibility of any owner, keeper or possessor of a domesticated dog or cat kept as a household pet within the city to cause such animal to wear at all times a metal tag bearing the legible number of a current license issued for such animal as provided for in this section.

Section Sec. 14-201(a)

Every person who owns or harbors a dog or cat in the city shall have such dog or cat annually vaccinated against rabies by a licensed veterinarian. Evidence of such vaccination shall consist of a current certificate issued and signed by the veterinarian administering the vaccination. The owner or custodian of any animal required by this section to be inoculated against rabies shall keep a current rabies tag with the year attached to the animal at all times.

(Enforcement Services Officer Steve Braukhoff)

Compliance.

- I. **DEL-13-029**  
**Mark E. Shukwit**  
**2776 Fayson Circle, Deltona, Florida 32738**  
**Property Address: 2776 Fayson Circle, Deltona, Florida 32738**  
**Parcel No.: 30-18-31-43-35-0080**

**Violation** City of Deltona Ordinance, Section 66-56, abandoned vehicles prohibited; which states that all abandoned vehicles described in Section 66-54 or vehicles without a current state license tag, if required, shall be prohibited on any public right of way under any circumstances, or on private property except within a completely enclosed garage or when such vehicles are a permitted principal use or special exception in any zoning classification.

**Sec. 66-54. – Definitions:**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned vehicles* means vehicles that are inoperative, wrecked, partially dismantled or otherwise mechanically incapable of being operated in their present condition or without current state license tag if required.

**Sec. 66-56. - Abandoned vehicles prohibited**

All abandoned vehicles as described in [section 66-54](#) or vehicles without a current state license tag, if required, shall be prohibited on any public right-of-way under any circumstances, or on private property except within a completely enclosed garage or when such vehicles are a permitted principal use or special exception in any zoning classification. (Enforcement Services Officer Steve Braukhoff)

Compliance.

- J. **DEL-13-039**  
**Norman C. Grenier TTEE, % Ronald N. & Lisa Grenier PUC**  
**1593 Rockwell Heights Dr., Deland Florida 32724**  
**Property Address: 1007 Davenport Dr., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-11-50-0010**

**Violation** of 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 Julie Hughes)

Property still in violation. Fine of \$50.00 a day, with a cap of \$10,000.00, effective March 27, 2013.

**10. New Business:**

**A. DEL-13-043**

**Richard and Bonita Drapeau  
361 Corral Rd., Osteen, Florida 32764  
Property Address: 343 Medford Ave., Deltona, Florida 32725  
Parcel No.: 30-18-31-12-14-0130**

**Violation** of 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 Tray Black)

Withdrawn.

**B. DEL-13-044**

**Aileen Ingrao  
1616 Hastings Dr., Deltona, Florida 32725  
Property Address: 1616 Hastings Dr., Deltona, Florida 32725  
Parcel No.: 30-18-31-55-25-0270**

**Violation** of City of Deltona Ordinance, Section 18-5, which adopts 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 Tray Black)

Non Compliance, executed actions to come into Compliance and case was Dismissed. Order of Dismissal.

**C. DEL-13-045**

**Aileen Ingrao  
1616 Hastings Dr., Deltona, Florida 32725  
Property Address: 1616 Hastings Dr., Deltona, Florida 32725  
Parcel No.: 30-18-31-55-25-0270**

**Violation** of City of Deltona Ordinance, Section 18-5, which adopting the latest edition of the International Property Maintenance Code, Section 304.13, which states that every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. (Enforcement Services Officer Tray Black)

Withdrawn.

**D. DEL-13-049**

**Robert C. Hill II TR % Hill & Hurst Trust  
P.O. Box 1060, Winter Park, Florida 32790-1060  
Property Address: 2909 Monarch Ave., Deltona, Florida 32738  
Parcel No: 30-18-31-32-97-0220**

**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 Richard Lovett)

Tow Order granted for this property.

**E. DEL-13-050**

**Tammy Decosta  
2982 Portsmouth Dr., Deltona, Florida 32738  
Property Address: 2982 Portsmouth Dr., Deltona, Florida 32738  
Parcel No.: 30-18-31-32-22-0090**

**Violation** of City of Deltona Ordinance, Section 18-5, which 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 Richard Lovett)

Order of Non Compliance with a Hearing to impose Fine at the April 24, 2013 Code Hearing.

**F. DEL-13-051**

**John Sullivan  
14800 South West Fern St., Tigard, OR 97223  
Property Address: 1707 Landfair Ave., Deltona, Florida 32738  
Parcel No.: 30-18-31-36-24-0050**

**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 Richard Lovett)

Non Compliance, executed actions to come into Compliance and case was Dismissed. Order of Dismissal.

**G. DEL-13-052**

**John Sullivan**

**14800 South West Fern St., Tigard, OR 97223**

**Property Address: 1707 Landfair Ave., Deltona, Florida 32738**

**Parcel No.: 30-18-31-36-24-0050**

**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 Richard Lovett)

Non Compliance, executed actions to come into Compliance and case was Dismissed. Order of Dismissal.

**H. DEL-13-053**

**Wells Fargo Home Mortgage**

**4101 Wiseman Blvd., San Antonio, Texas 78251**

**Property Address: 2937 Beckwith St., Deltona, Florida 32738**

**Parcel No.: 30-18-31-34-34-0210**

**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 Richard Lovett)

Non Compliance, executed actions to come into Compliance and case was Dismissed. Order of Dismissal.

**I. DEL-13-054**

**Wells Fargo Home Mortgage**

**4101 Wiseman Blvd., San Antonio, Texas 78251**

**Property Address: 2937 Beckwith St., Deltona, Florida 32738**

**Parcel No.: 30-18-31-34-34-0210**

**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)

Non Compliance, executed actions to come into Compliance and case was Dismissed. Order of Dismissal.

**J. DEL-13-055**

**Kenneth M. and Danielle N. Schoeneberg**  
**2008 West Barlington Dr., Deltona, Florida 32725**  
**Property Address: 2008 West Barlington Dr., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-08-39-0420**

**Violation** of City of Deltona Ordinance, Section 14-141(c) It shall be the duty of the owner or person responsible for any dog or cat brought into the city or acquired to have the dog or cat licensed in accordance with this division within 15 days after the dog or cat is brought into the city or acquired, or before the dog or cat reaches six months of age, whichever comes first. (Enforcement Services Officer Shanna Hogan)

Withdrawn.

**K. DEL-13-056**

**Richard and Cynthia Lantz**  
**1137 Algoma St., Deltona, Florida 32725**  
**Property Address: 1137 Algoma St., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-27-07-0080**

**Violation** of City of Deltona Ordinance, Section 14-141(c) It shall be the duty of the owner or person responsible for any dog or cat brought into the city or acquired to have the dog or cat licensed in accordance with this division within 15 days after the dog or cat is brought into the city or acquired, or before the dog or cat reaches six months of age, whichever comes first.

Section Sec. 14-201(a)

Every person who owns or harbors a dog or cat in the city shall have such dog or cat annually vaccinated against rabies by a licensed veterinarian. Evidence of such vaccination shall consist of a current certificate issued and signed by the veterinarian administering the vaccination. The owner or custodian of any animal required by this section to be inoculated against rabies shall keep a current rabies tag with the year attached to the animal at all times.

(Enforcement Services Officer Julie Hughes)

Withdrawn.

**L. DEL-13-057**

**James A. Todd**

**PO Box 402, Osteen, Florida 32764**

**Property Address: 2333 Essex Ave., Deltona, Florida 32738**

**Parcel No.: 30-18-31-74-27-0050**

**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 the roof. (Enforcement Services Officer Richard Lovett)

Non Compliance, executed actions to come into Compliance and case was Dismissed. Order of Dismissal.

**M. DEL-13-058**

**Rafael Morales**

**1242 Buccaneer Ave., Deltona, Florida 32725**

**Property Address: 1242 Buccaneer Ave., Deltona, Florida 32725**

**Parcel No.: 30-18-31-06-09-0260**

**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 the window replacement(s). (Enforcement Services Officer Tray Black)

Mr. Morales was present. Found in Non Compliance with a Hearing to impose Fine at the April 24, 2013 Code Hearing.

**N. DEL-13-059**

**Richard L. and Shirley A. Fruth**

**2011 Prescott Blvd., Deltona, Florida 32738**

**Property Address: 925 Shorecrest Ave., Deltona, Florida 32725**

**Parcel No.: 30-18-31-11-42-0070**

**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 the window replacement. (Enforcement Services Officer Tray Black)

Case continued to the April 24, 2013 Code Hearing.

**O. DEL-13-060**

**Leon Frances**

**60 First Ave., Apt. 10C, New York, NY 10009**

**Property Address: 970 Shorecrest Ave., Deltona, Florida 32725**

**Parcel No.: 30-18-31-11-44-0200**

**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 Ordered, effective immediately.

**11. OTHER and REPEAT BUSINESS:**

**12. DISCUSSION:**

**A. By the Special Magistrate**

**B. By the Enforcement Services Director**

**13. ADJOURNMENT (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.

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Special Magistrate, Charles Cino

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Hearing Clerk, Sonjia Kihlmire