

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, April 23, 2014**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, April 23, 2014 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	Dana Johnson	Present
Director of Department	Dale Baker	Present

Also present were: Enforcement Services Officers: Dennis Mues, Steve Braukhoff, Tray Black, Julie Hughes, and Danny Ron,

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 and Fire 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 March 26, 2014 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of the Building and Enforcement Services Department stated that under New Business, case(s) DEL-14-091, DEL-14-093 and DEL-14-101 are/were withdrawn and case(s) DEL-14-084 AND DEL-14-085 is/are continued until May 28, 2014.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

A. DEL-14-047

**Deltona Square LLC
259 E. Rand Rd., Apt. 200, Mount Prospect, IL 60056
Property Address: 577 Deltona Blvd., Deltona, Florida 32725
Parcel No.: 36-18-30-05-09-0040**

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 Dennis Mues)

Order Imposing Penalty/Lien was issued for \$250.00 a day until in compliance or the cap of \$20,000 is met to be effective May 29, 2014. Case to be scheduled for the May 28, 2014 Code Hearing per the Special Magistrate.

B. DEL-14-066

**Cheryl M. Jenkins
3829 Calliope Ave., Port Orange, Florida 32129
Property Address: 2290 Haulover Blvd., Deltona, Florida 32738
Parcel No.: 30-18-31-33-24-0030**

Violation of City of Deltona Ordinance, Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 304.2, which states that all exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, and shall be kept in sound working condition and maintained in good repair. (Enforcement Services Officer Steve Braukhoff)

First Amended Order of Non Compliance with a Hearing to Impose Fine at the June 25, 2014 Code Hearing. Cheryl Jenkins was present.

10. NEW BUSINESS:

A. DEL-14-077

**1590 Tivoli LLC
872 Trafalgar St., Deltona, Florida 32725
Property Address: 1590 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-14-07-0400**

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)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed. Johanna Feliz (tenant) and Curtis Sanders (owner) were present.

- B. DEL-14-078**
1590 Tivoli LLC
872 Trafalgar St., Deltona, Florida 32725
Property Address: 1590 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-14-07-0400

Violation of City of Deltona Ordinance, Section 66-18(j) Except as provided below, no vehicle repairs or maintenance shall be done at a location not zoned and properly licensed for vehicle repair activities. Vehicles may be repaired incidental to a primary use of a residential premises so long as the vehicle being repaired is owned by an occupant of the premises, and the registration of the vehicle must reflect the address at which the repairs or maintenance are being done. Such repairs and maintenance must be completed in less than eight hours, and may occur only between the hours of 7:00 a.m. to 7:00 p.m. (Enforcement Services Officer Tray Black)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed. Johanna Feliz (tenant) and Curtis Sanders (owner) were present.

- C. DEL-14-079**
1590 Tivoli LLC
872 Trafalgar St., Deltona, Florida 32725
Property Address: 1590 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-14-07-0400

Violation of City of Deltona Ordinance, Section 66-16. Parking on parkways. For the purpose of this section, "right-of-way" is defined as that area from the property line to the edge of the pavement of a roadway, including any grassy or unpaved median between two paved areas. It shall be unlawful for any person to park any motor vehicle in or on a right-of-way unless the motor vehicle is parked headed in the direction of traffic.

It shall be unlawful for any person to park any motor vehicle in or on a right-of-way for more than two days in a seven-day period. (Enforcement Services Officer Tray Black)

Order of Non Compliance with a Hearing to Impose Fine at the May 28, 2014 Code Hearing. Johanna Feliz (tenant) and Curtis Sanders (owner) were present.

- D. DEL-14-080**
1590 Tivoli LLC
872 Trafalgar St., Deltona, Florida 32725
Property Address: 1590 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-14-07-0400

Violation of City of Deltona Ordinance, Section 58-31 (a). Use of city rights-of-way. Consent required. Pursuant to the police power of the city, the city commission determines, in the interest of the health, safety and welfare of its citizens, that the use of any city right-of-way, including appendages, and the use of any public lands under the authority of the city commission, except for their intended purpose, without prior written consent of the city shall be prohibited. (Enforcement Services Officer Tray Black)

Order of Non Compliance with a Hearing to Impose Fine at the May 28, 2014 Code Hearing. Johanna Feliz (tenant) and Curtis Sanders (owner) were present.

- E. DEL-14-081**
1590 Tivoli LLC
872 Trafalgar St., Deltona, Florida 32725
Property Address: 1590 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-14-07-0400

Violation of City of Deltona Ordinance, Section 66-20, which states that motor vehicles shall not be parked 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, except on approved driveways or driveway extensions. (Enforcement Services Officer Tray Black)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed. Johanna Feliz (tenant) and Curtis Sanders (owner) were present.

F. DEL-14-083

Trancito C. Rivas

2364 Curtiss Dr., Deltona, Florida 32738

Property Address: 2364 Curtiss Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-21-03-0290

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 Tray Black)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed.

G. DEL-14-084

Investus LLC

25882 Orchard Lake Rd., Ste. 106, Farmington Hills, MI 48336

Property Address: 450 Abeno Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-27-05-0060

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 Lonnie Wilson)

Case was continued until the May 28, 2014 Code Hearing.

H. DEL-14-085

Investus LLC

25882 Orchard Lake Rd., Ste. 106, Farmington Hills, MI 48336

Property Address: 450 Abeno Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-27-05-0060

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 Lonnie Wilson)

Case was continued until the May 28, 2014 Code Hearing.

I. DEL-14-086

Erik D. & Patricia McGowan

1532 Gold Terrace, Deltona, Florida 32725

Property Address: 1532 Gold Terrace, Deltona, Florida 32725

Parcel No.: 30-18-31-55-07-0010

Violation of City of Deltona Ordinance, Section 38-113, which states that it shall be the responsibility of every owner, agent or tenant of improved property in the City to; at all times, maintain those Right-of-Ways most abutting their property. (Enforcement Services Officer Tray Black)

Order of Non Compliance with a Hearing to Impose Fine at the May 28, 2014 Code Hearing

J. DEL-14-087

Erik D. & Patricia McGowan

1532 Gold Terrace, Deltona, Florida 32725

Property Address: 1532 Gold Terrace, Deltona, Florida 32725

Parcel No.: 30-18-31-55-07-0010

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 Tray Black)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed.

K. DEL-14-088

Cindy R. Fuentes

690 Lake Butler Ave., Osteen, Florida 32764

Property Address: 690 Lake Butler Ave., Osteen, Florida 32764

Parcel No.: 01-19-31-00-00-0120

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. (Enforcement Services Officer Julie Hughes)

Order of Non Compliance with a Hearing to Impose Fine at the May 28, 2014 Code Hearing

L. DEL-14-089
Cindy R. Fuentes
690 Lake Butler Ave., Osteen, Florida 32764
Property Address: 690 Lake Butler Ave., Osteen, Florida 32764
Parcel No.: 01-19-31-00-00-0120

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 Julie Hughes)

Order of Non Compliance with a Hearing to Impose Fine at the May 28, 2014 Code Hearing

M. DEL-14-090
Cindy R. Fuentes
690 Lake Butler Ave., Osteen, Florida 32764
Property Address: 690 Lake Butler Ave., Osteen, Florida 32764
Parcel No.: 01-19-31-00-00-0120

Violation of 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 – permit for shed. (Enforcement Services Officer Julie Hughes)

Order of Non Compliance with a Hearing to Impose Fine at the May 28, 2014 Code Hearing

N. DEL-14-091
Victor Morales Alicea & Henry L. Ramos Alicea
41 Cunningham Rd., Debary, Florida 32713-3169
Property Address: 1299 Bachman Ave., Deltona, Florida 32725
Parcel No.: 30-18-31-07-40-0010

Violation of City of Deltona Ordinance, Section 18-5, reference to 305.3, adopting the latest edition of the International Property Maintenance Code, 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. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. (Enforcement Services Officer Shanna Hogan)

Withdrawn.

O. DEL-14-092

Walter John Boyles

1275 Walton Ave., Deltona, Florida 32738

Property Address: 1275 Walton Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-67-05-0110

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 Julie Hughes)

Order of Non Compliance with a Hearing to Impose Fine at the June 25, 2014 Code Hearing. Walter Boyles was present.

P. DEL-14-093

Heriberto & Teresa Villalobos

1332 Hartley Ave., Deltona, Florida 32725-5608

Property Address: 1332 Hartley Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-01-12-0330

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 Hogan)

Withdrawn.

Q. DEL-14-095

David Seilkop

896 Humphrey Blvd., Deltona, Florida 32738

Property Address: 896 Humphrey Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-40-37-0350

Violation of 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 – permit for shed. (Enforcement Services Officer Julie Hughes)

Order of Non Compliance with a Hearing to Impose Fine at the May 28, 2014 Code Hearing

R. DEL-14-096

Michael O & Lollie Knight
2058 Greenview Dr., Deltona, Florida 32725
Property Address: 2058 Greenview Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-08-45-0200

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)

Order of Non Compliance with a Hearing to Impose Fine at the May 28, 2014 Code Hearing

S. DEL-14-097

Keith G. Nowland
1831 Trumbull St., Deltona, Florida 32725
Property Address: 1831 Trumbull St., Deltona, Florida 32725
Parcel No.: 30-18-31-08-39-0060

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.

Violation of City of Deltona Ordinance, Section 66-20, which states that motor vehicles shall not be parked 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, except on approved driveways or driveway extensions. (Enforcement Services Officer Danny Ron)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed. Keith Nowland was present.

T. DEL-14-098

Keith G. Nowland

1831 Trumbull St., Deltona, Florida 32725

Property Address: 1831 Trumbull St., Deltona, Florida 32725

Parcel No.: 30-18-31-08-39-0060

Violation of 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 Danny Ron)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed. Keith Nowland was present.

U. DEL-14-099

Draco Investment Properties

415 Walrock St., Debary, Florida 32713

Property Address: 674 Comstock Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-21-05-0140

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 Tray Black)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed.

V. DEL-14-100

William & Elizabeth Michalek

2634 Travida Dr., Deltona, Florida 32738

Property Address: 2270 Montano St., Deltona, Florida 32738

Parcel No.: 30-18-31-41-12-0200

Violation of City of Deltona Ordinance, Section 14-202. Rabies, animal bites, animal control officer duties (d) the quarantine of an owned animal shall be in the holding facility designated by the city or at the owner's request in a licensed veterinary hospital. A stray animal will be quarantined at one of the local shelters. A quarantined animal shall be released only upon the approval of the animal control officer.

The owner shall bear the cost of the care, feeding and maintenance of a quarantined animal. (Enforcement Services Officer Julie Hughes)

Order Imposing Penalty/Lien was issued for \$150.00 (the cost of the care, feeding, and maintenance of the quarantined animal) effective April 23, 2014.

W. DEL-14-101

Nicholas E. & Erika S. Bosco
2596 Sheffield Dr., Deltona, Florida 32738
Property Address: 2596 Sheffield Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-41-28-0090

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 Julie Hughes)

Withdrawn.

10. OTHER and REPEAT BUSINESS:

A. DEL-14-055 Repeat of DEL-10-011

William & Tawnya Kirkpatrick
2341 Ainsworth Ave, Deltona, Florida 32738
Property Address: 2341 Ainsworth Ave, Deltona, Florida 32738
Parcel No.: 30-18-31-32-06-0050

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 Steve Braukhoff)

Found to be in Non Compliance, executed actions to come into compliance and case was dismissed.

11. DISCUSSION:

A. By the Special Magistrate

B. By the Enforcement Services Director

12. ADJOURNMENT: 6:16PM

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 upon 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, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.



Special Magistrate, Charles Cino



Hearing Clerk, Dana Johnson