

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
WEDNESDAY August 25, 2010**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, August 25, 2010 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

Also present were: Enforcement Services Officers; Danny Ron, Richard Lovett, Steve Braukhoff, Dennis Mues, Shanna Hawkins and Julie Hughes.

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 July 28, 2010 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under New Business, case DEL-10-112 is Withdrawn and DEL-10-132 is withdrawn.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-10-024

William H. and Dorothy Haggerty
2925 Keesler Street, Deltona, Florida 32738-3116
Property Address: 2925 Keesler Street, Deltona Florida 32738-3116
Parcel No.: 30-18-31-32-11-0250

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, fences, pool enclosures and **walls**, shall be maintained and kept in good repair. (**Enforcement Services Officer Danny Ron**)

Officer Ron presented an Affidavit of Compliance for this case.

B. DEL-10-091

Stephanie and Roberta Houston ETAL
615 Merrimac St., Deltona, Florida 32725
Property Address: 615 Merrimac St., Deltona, Florida 32725
Parcel No.: 30-18-31-01-13-0100

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 or demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter or repair, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for carport enclosure. (**Enforcement Services Officer Julie Hughes**)

Special Magistrate Cino originally stated that there was to be a \$250.00 a day fine with a cap of \$20,000.00, however after Officer Hughes called the Respondent, he rescinded his Order and continued the case until the August 25, 2010 Code Hearing, Mr. Cino stated that the property needs to be in compliance by September 20, 2010 or a Hearing to impose fine will be held September 22, 2010. Ms. Houston was present.

C. DEL-10-094

Chase Home Finance LLC
3415 Vision Dr., Dept G7, Columbus, Ohio 43219-6009
Property Address: 845 North Fairbanks Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-08-24-0100

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**)

Officer Shanna Hawkins presented this case for Officer Lonnie Wilson. A verbal Order of \$100.00 a day was issued, effective July 29, 2010 and to continue until this property comes into Compliance or a cap of \$10,000.00. On August 25, 2010, Special Magistrate Cino, vacated this Order and gave the owner 30 days to come into Compliance. An Order of Non Compliance and a Hearing to impose fine at the September 22, 2010 Code Hearing, was so Ordered.

D. DEL-10-105

**Jean Marie Ross, c/o SW Habitat For Humanity
PO Box 740166, Orange City, Florida 32774-0166
Property Address: 3261 Planter Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-42-19-0270**

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)**

Special Magistrate Cino found this respondent in violation at the time of the violation, then they came into compliance and the case is now dismissed.

10. NEW BUSINESS:

A. DEL-10-112

**Thomas Sturtz
1641 Jordan Terrace, Deltona, Florida 32725
Property Address: 1641 Jordan Terrace, Deltona, Florida 32725
Parcel No.: 30-18-31-16-11-0010**

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 or demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter or repair, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for your fence. **(Enforcement Services Officer Shanna Hawkins)**

Withdrawn

B. DEL-10-115

**Frederick M. Antonia
822 Superior St., Deltona, Florida 32725
Property Address: 550 South Floyd Circle, Deltona, Florida 32725
Parcel No.: 19-18-31-02-04-0020**

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 or demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter or repair, or to cause any such work to be done, shall first make application to the Building Official and

obtain the required permit for your fence. (**Enforcement Services Officer Shanna Hawkins**)

Mr. Antonia was present at this Hearing. Order of Non Compliance and a Hearing to impose fine will be held September 22, 2010, if not in Compliance.

C. DEL-10-117

Robert Groesbeck

544 South Floyd Circle, Deltona Florida 32725

Property Address: 544 South Floyd Circle, Deltona, Florida 32725

Parcel No.: 19-18-31-02-04-0030

Violation of City of Deltona Ordinance, No. 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. (**Enforcement Services Officer Lonnie Wilson**)

Fine of \$250.00 imposed, effective August 25, 2010. At the September 22, 2010 Hearing, another fine may be imposed if a Business license not obtained. Possible additional fine.

D. DEL-10-119

Peter & Dinah Greenwood

1701 Morven Court, Deltona, Florida 32738

Property Address: 2643 Salters Court, Deltona, Florida 32738

Parcel No.: 30-18-31-43-16-0070

Violation of the 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 and kept in good repair. (**Enforcement Services Officer Richard Lovett**)

Order of Non Compliance with a Hearing to impose fine September 22, 2010. Order to also include an Order to vacate property, due to health, safety and welfare concerns.

E. DEL-10-120

Wells Fargo Bank NA

One Home Campus, Des Moines, IA 50328

Property Address: 3274 Dellbrook Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-47-09-0170

Violation of City of Deltona Ordinance, Section 18-5, which is 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. (**Enforcement Services Officer Steve Braukhoff**)

Fine of \$250.00 a day, effective immediately, with a cap of \$20,000.00.

F. DEL-10-121

**Wells Fargo Bank NA
One Home Campus, Des Moines, IA 50328
Property Address: 3274 Dellbrook Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-47-09-0170**

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 Steve Braukhoff)**

Fine of \$250.00 a day, effective immediately, with a cap of \$20,000.00.

G. DEL-10-122

**Wells Fargo Bank NA
One Home Campus, Des Moines, IA 50328
Property Address: 3274 Dellbrook Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-47-09-0170**

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

Fine of \$250.00 a day, effective immediately, with a cap of \$20,000.00.

H. DEL-10-123

**Wells Fargo Bank NA
One Home Campus, Des Moines, IA 50328
Property Address: 3274 Dellbrook Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-47-09-0170**

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

Fine of \$250.00 a day, effective immediately, with a cap of \$20,000.00.

I. DEL-10-124

**Alfred Eudell Jr.
1708 Fountainhead Dr., Lake Mary, Florida 32746
Property Address: 2051 Lorene Lane, Deltona, Florida 32738
Parcel No.: 27-18-31-00-00-0172**

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 Steve Braukhoff)**

Special Magistrate Cino found this respondent in violation at the time of the violation, then they came into compliance and the case is now dismissed.

J. DEL-10-125

Dustin Jay Cervantes & Dawn Lynn Cervantes
1830 Bonkirk Dr., Deltona, Florida 32738
Property Address; 1830 Bonkirk Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-39-09-0220

Violation of City of Deltona Ordinance, Section 96-27.(d), declaration of nuisance. It has been declared by the City Commission that the following shall each individually or in any combination be considered a nuisance when they exist upon any lot, lots or adjacent lots, as the case may be, in the incorporated area of the City:

(2) Lots that have not been evenly filled and graded to the approximate average grade of the surrounding development to allow for continuity of the landscape and uniformity of appearance.

(8) The maximum permitted slope of the finished grade on any single-family or two-family (duplex) residential lot shall be 1:3.

(Enforcement Services Officer Lonnie Wilson)

Case has been continued to the September 22, 2010 Code Hearing. Mr. Cervantes was present at this Hearing.

K. DEL-10-126

Jose E. & Emerila C. Franco
3647 Denava Court, Palm Dale, CA 93550
Property Address: 2265 Carson Lane, Deltona, Florida
Parcel No.: 30-18-31-45-17-0070

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 Danny Ron)**

Order of Non Compliance with a Hearing to impose fine at the September 22, 2010 Code Hearing. Order to be sent certified as well as regular mail.

L. DEL-10-127

Jose E. & Emerila C. Franco
3647 Denava Court, Palm Dale, CA 93550
Property Address: 2260 Henry Lane, Deltona, Florida
Parcel No.: 30-18-31-45-17-0060

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 Danny Ron)**

Order of Non Compliance with a Hearing to impose fine at the September 22, 2010 Code Hearing. Order to be sent certified as well as regular mail.

M. DEL-10-128

Velko & Bozica Janjusic
1747 Concert Rd., Deltona, Florida 32738
Property Address: 1747 Concert Rd., Deltona, Florida 32738
Parcel No.: 30-18-31-45-24-0300

Violation of the 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 and kept in good repair. (**Enforcement Services Officer Danny Ron**)

Order of Non Compliance with a Hearing to impose fine at the September 22, 2010 Code Hearing.

N. DEL-10-129

Velko & Bozica Janjusic
1747 Concert Rd., Deltona, Florida 32738
Property Address: 1747 Concert Rd., Deltona, Florida 32738
Parcel No.: 30-18-31-45-24-0300

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, **fences**, pool enclosures and walls, shall be maintained and kept in good repair. (**Enforcement Services Officer Danny Ron**)

Order of Non Compliance with a Hearing to impose fine at the September 22, 2010 Code Hearing.

O. DEL-10-130

Gary E. & Gloria A. Duquette
1729 Vivian Court, Deltona, Florida 32725
Property Address: 1729 Vivian Court, Deltona, Florida 32725
Parcel No.: 30-18-31-11-14-0470

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 Dennis Mues**)

Order of Non Compliance with a Hearing to impose fine at the September 22, 2010 Code Hearing.

P. DEL-10-131

Gary E. & Gloria A. Duquette
1729 Vivian Court, Deltona, Florida 32725
Property Address: 1729 Vivian Court, Deltona, Florida 32725
Parcel No.: 30-18-31-11-14-0470

Violation of City of Deltona Ordinance, Section 66-18(h), "Restrictions on trucks and other vehicles" which States that a maximum of two vehicles may be parked in the side or rear yard. (**Enforcement Services Officer Dennis Mues**)

Order of Non Compliance with a Hearing to impose fine at the September 22, 2010 Code Hearing. Gary Duquette was present at this Hearing.

Q. DEL-10-132

L H Pepper Inc.
1151 North Orange Ave., Winter Park, FL 32789
Property Address: 226 Haversham Rd., Deltona, Florida 32725
Parcel No.: 25-18-30-13-00-0940

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 Dennis Mues**)

Withdrawn

R. DEL-10-133

The Edna Knudsen Trust
756 East Normandy Blvd., Deltona, Florida 32725
Property Address: 756 East Normandy Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-02-27-0040

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 Julie Hughes**)

Order of Non Compliance with a Hearing to impose fine at the September 22, 2010 Code Hearing. Ms. Knudsen and her daughters were present at this Hearing.

S. DEL-10-134

Beatrice C. Steding
1739 Fruitland Dr., Deltona, Florida 32725
Property Address: 1739 Fruitland Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-03-06-0140

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 Shanna Hawkins**)

Order of Non Compliance, with a Hearing to impose fine at the October 27, 2010 Hearing. Ms. Steding was present at this Hearing.

T. DEL-10-135

Beatrice C. Steding

1739 Fruitland Dr., Deltona, Florida 32725

Property Address: 1739 Fruitland Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-03-06-0140

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, fences, pool enclosures, porches and walls, shall be maintained and kept in good repair. (**Enforcement Services Officer Shanna Hawkins**)

Order of Non Compliance, with a Hearing to impose fine at the October 27, 2010 Hearing. Ms. Steding was present at this Hearing.

11. OTHER BUSINESS:

Parking Ticket arraignment for ticket number 10504, for Timothy Pugh, 481 Champlain Dr., Deltona, Florida 32725.

Ticket was issued by Officer P. Allison, VCSO and he testified to the validity of this ticket. The person requesting this Hearing was noticed and did not come to this Code Hearing. He was found to be in violation and it was so Ordered that he is to pay the \$25.00 Court cost and the cost of the ticket, to include any late charges, within the time stated on the ticket.

12. DISCUSSION:

A) By the Special Magistrate

B) By the Enforcement Services Director

13. ADJOURNMENT: Meeting adjourned at 7:30 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 J. Cino

ATTEST:

Hearing Clerk, Sonjia Kihlmire