

**CITY OF DELTONA, FLORIDA  
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES  
WEDNESDAY September 22, 2010**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, September 22, 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, Lonnie Wilson, Albert Grimsley, 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 August 25, 2010 were approved, by Special Magistrate, Charles Cino.**

**7. ANNOUNCEMENTS:** - The Director of Enforcement Services, Dale Baker, stated under New Business, case DEL-10-136, case DEL-10-137, case DEL-10-139 and DEL-10-140 are Withdrawn. Case DEL-07-188 continued until November 23, 2010 Code Hearing. Case DEL-09-070, DEL-09-071 and DEL-09-069, Countrywide Home Loans and Deutsch Bank has asked to continue their cases until November 23, 2010.

**8. SWEARING IN OF OFFICERS AND WITNESSES:**

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

**9. OLD BUSINESS:**

**A. DEL-10-091**

**Stephanie Houston and Roberta Houston  
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**)

Case was continued to November 23, 2010, to allow more time for them to come into compliance.

**B. DEL-10-108**

**Kenny and Jessica Ferrer  
2765 South Huron Dr., Deltona, Florida 32738  
Property Address: 2765 South Huron Dr., Deltona, Florida 32738  
Parcel No.: 30-18-31-32-51-0130**

**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 driveway. (**Enforcement Services Officer Danny Ron**)

**Order** of \$100.00 a day fine, effective immediately and to run until this property is in compliance or a cap of \$10,000.00 is met.

**C. 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**)

**Order** of \$100.00 a day fine, effective immediately and to run until this property is in compliance or a cap of \$10,000.00 is met.

**D. 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**)

**Order** of \$50.00 a day fine, effective immediately and to run until this property is in compliance or a cap of \$10,000.00 is met.

**E. 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 \$250.00 a day fine, effective immediately and to run until this property is in compliance or a cap of \$20,000.00 is met.

**F. DEL-10-125**

**Dustin Jay Cervantes & Dawn Lynn Cervantes**

**1830 Bonkirk Dr., Deltona, Florida 32725**

**Property Address; 1830 Bonkirk Dr., Deltona, Florida 32725**

**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 was continued to November 23, 2010, to allow more time for them to come into compliance. The Cervantes were present.

**G. 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 \$50.00 a day fine, effective immediately and to run until this property is in compliance or a cap of \$10,000.00 is met.

**H. 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 \$50.00 a day fine, effective immediately and to run until this property is in compliance or a cap of \$10,000.00 is met.

**I. 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 \$50.00 a day fine, effective October 22, 2010, if not in compliance by then and to run until this property is in compliance or a cap of \$20,000.00 is met. The respondents was/were present at this Hearing.

**J. 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**)

**Affidavit** of Compliance offered by the Officer and Special Magistrate Cino so ordered an Order of Compliance. The Respondents were present.

**K. 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 \$50.00 a day fine, effective October 22, 2010, if not in compliance by then and to run until this property is in compliance or a cap of \$10,000.00 is met. The respondents was/were present at this Hearing.

**10. NEW BUSINESS:**

**A. DEL-10-136**

**Dale Robertson**  
**1133 Windridge Circle, Unit 1133, Sanford, Florida 32773**  
**Property Address: 1006 Blue Horizon Dr., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-08-38-0220**

**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, **enclosures, decks** and walls, shall be maintained and kept in good repair. (**Enforcement Services Officer Shanna Hawkins**)

**Withdrawn** by the Officer.

**B. DEL-10-137**

**Dale Robertson**

**1133 Windridge Circle, Unit 1133, Sanford, Florida 32773**

**Property Address: 1006 Blue Horizon Dr., Deltona, Florida 32725**

**Parcel No.: 30-18-31-08-38-0220**

**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)**

**Withdrawn** by the Officer.

**C. DEL-10-138**

**Kobrin Holding Company –C/O TF Kobrin Shutts & Bowen**

**PO Box 4956, Orlando, Florida 32802**

**Property Address: 2355 Fountain Rd., Deltona, Florida**

**Parcel No.: 30-18-31-45-12-0070**

**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 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 enclosed porch/window openings. **(Enforcement Services Officer Albert Grimsley)**

**Continued** to the November 23, 2010 Code Hearing.

**D. DEL-10-139**

**Kenneth and Georgianna Meredith**

**917 Iron Bend Trail, Osteen, Florida 32764**

**Property Address: 1318 Fort Smith Blvd., Deltona, Florida 32725**

**Parcel No.: 30-18-31-13-04-0250**

**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 roof. **(Enforcement Services Officer Dennis Mues)**

**Withdrawn** by the Officer.

**E. DEL-10-140**

**Diana Browne / TRSTE LLC, 852 Yellowbird Land Trust  
924 West Colonial Dr., Orlando, Florida 32804  
Property Address: 852 Yellowbird Ave., Deltona, Florida 32725  
Parcel No.: 30-18-31-05-67-0160**

**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 garage enclosure. **(Enforcement Services Officer Dennis Mues)**

Withdrawn by the Officer.

**F. DEL-10-142**

**Madeline Albano  
1437 Friedman Rd., Darien Center, NY 14040  
Property Address: 1661 North Merrick Dr., Deltona, Florida 32725  
Parcel No.: 30-18-31-16-09-0140**

**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 Albert Grimsley)**

Case in Non Compliance at the time of this violation, the Respondent was then found in Compliance and the case then dismissed by the Special Magistrate. This action sets the Respondent up for a repeat violator if this violation happens again.

**G. DEL-10-143**

**Timothy J. Brizard {Owner}  
Ray Spinelli {Resident}  
2620 Breezy Meadow Rd., Apopka, Florida 32712  
Property Address: 1521 Elkcam Blvd., Deltona, Florida 32725  
Parcel No.: 30-18-31-15-01-0020**

**Violation** of city of Deltona Ordinance, Section 110-807(5), which states that no stock or commodity shall be kept or sold upon the premises. **(Enforcement Services Officer Steve Braukhoff)**

Case in Non Compliance at the time of this violation, the Respondent was then found in Compliance and the case then dismissed by the Special Magistrate. This action sets the Respondent up for a repeat violator if this violation happens again. Mr. Spinelli was present.

**11. OTHER BUSINESS: [Separate Agenda heard first]**

**Parking** Ticket arraignment for ticket number 12302, for Jose Perez Balaguer, 3108 Tunsia Dr., Deltona, Florida 32738.

Ticket was issued by Officer J. Braman, VCSO and he testified to the validity of this ticket. The person requesting this Hearing was noticed and came to this Code Hearing. He showed his placard for handicap parking and this case/ticket was dismissed.

**A. DEL-10-141 – Repeat of DEL-10-068**

**Robert C. Hill II Trust / The Hill and Hurst Trust  
3196 Mandeville St., Deltona, Florida 32738  
Property Address: 3196 Mandeville St., Deltona, Florida 32738  
Parcel No.: 30-18-31-32-93-0200**

**Violation** of city of Deltona Ordinance, Section 110-807(2), which states that home occupation shall be clearly incidental and subordinate to the residential use. **(Enforcement Services Officer Richard Lovett)**

**Case** in Non Compliance at the time of this violation, the Respondent was then found in Compliance and the case then dismissed by the Special Magistrate. This action sets the Respondent up for a repeat violator if this violation happens again.

**B. DEL-07-188**

**Suzan D. Behrens (current owner HSBC Bank USA National Assoc TR)  
4828 Loop Central Dr., 5<sup>th</sup> Floor, Houston, Texas 77081-2226  
Property Address: 1600 Falmouth Ave., Deltona, Florida 32725  
Parcel No.: 30-18-31-03-25-0550**

**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 garage conversion. **(Enforcement Services Officer Marcos Rosado)**

**This case has a fine of \$5,600.00, which is \$100.00 a day for 56 days of being in violation. The current owners are requesting a recommendation for a reduction of fine.**

**Case** was continued at the current owners' request and will be heard at the November 23, 2010, Code Hearing.

**C. DEL-09-069**

**Kenneth & Deshika Mitchell {new owner / Deutsch Bank National TR Co TR  
c/o Countrywide Home Loans  
7105 Corporate DR MS PTX-B-35, Plano, Texas 75024  
Property Address: 2581 E. Dorchester Dr., Deltona, Florida 32738  
Parcel No.: 30-18-31-32-34-0200**

**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 Albert Grimsley)**

**There is a \$10,000.00 fine on this case, the property was in violation since April 22, 2009, @ \$50.00 a day. At the time of this Agenda, no Affidavit of Compliance has been given for this case. The Representative for Deutsch Bank National is Dennis Ballard, Esq. and he has not provided any back-up information for this case. He has requested to come before the Special Magistrate and request a recommendation for a reduction in fine.**

**Case** was continued at the current owners' request and will be heard at the November 23, 2010, Code Hearing.

**D. DEL-09-070**

**Kenneth & Deshika Mitchell {new owner / Deutsch Bank National TR Co TR  
c/o Countrywide Home Loans  
7105 Corporate DR MS PTX-B-35, Plano, Texas 75024  
Property Address: 2581 E. Dorchester Dr., Deltona, Florida 32738  
Parcel No.: 30-18-31-32-34-0200**

**Violation** of the City of Deltona Ordinance, Section 18-5, reference 304.2, adopting the latest edition of the International Property Maintenance Code, 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 Albert Grimsley)**

**There is a \$10,000.00 fine on this case, the property was in violation since April 22, 2009, @ \$50.00 a day. At the time of this Agenda, no Affidavit of Compliance has been given for this case. The Representative for Deutsch Bank National is Dennis Ballard, Esq. and he has not provided any back-up information for this case. He has requested to come before the Special Magistrate and request a recommendation for a reduction in fine.**

**Case** was continued at the current owners' request and will be heard at the November 23, 2010, Code Hearing.

**E. DEL-09-071**

**Kenneth & Deshika Mitchell {new owner / Deutsch Bank National TR Co TR  
c/o Countrywide Home Loans  
7105 Corporate DR MS PTX-B-35, Plano, Texas 75024  
Property Address: 2581 E. Dorchester Dr., Deltona, Florida 32738  
Parcel No.: 30-18-31-32-34-0200**

**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, enclosures, decks, **fences** and walls, shall be maintained and kept in good repair. (**Enforcement Services Officer Albert Grimsley**)

**There is a \$10,000.00 fine on this case, the property was in violation since April 22, 2009, @ \$50.00 a day. At the time of this Agenda, no Affidavit of Compliance has been given for this case. The Representative for Deutsch Bank National is Dennis Ballard, Esq. and he has not provided any back-up information for this case. He has requested to come before the Special Magistrate and request a recommendation for a reduction in fine.**

Case was continued at the current owners' request and will be heard at the November 23, 2010, Code Hearing.

**12. DISCUSSION:**

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

**13. ADJOURNMENT: Meeting adjourned at 7:00 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 J. Cino**

**ATTEST:**

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**Hearing Clerk, Sonjia Kihlmire**