

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, February 23, 2011**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, February 23, 2011 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; Albert Grimsley, Danny Ron, Steve Braukhoff, Shanna Seda 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 January 26, 2011 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under Old Business, case DEL-11-011, (Complied), DEL-11-015, (continued to March 23, 2011 Hearing), DEL-11-018, (Complied), and DEL-11-030 is withdrawn.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-10-156

**Frederick M. Antonia
822 Superior St., Deltona, Florida 32725
Property Address: 1698 E. Waycross Circle, Deltona, Florida 32725
Parcel No.: 30-18-31-11-28-0030**

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

Mr. Antonia was present. Officer Grimsley submitted a signed letter from the construction company that they patched the roof and the property is now in compliance. Order of Compliance.

B. DEL-11-007

**Bank Of America National Assoc TR, c/o Gladstone Law Group PA
1499 West Palmetto PK Rd., Suite 300, Boca Raton, Florida 33486
Property Address: 2799 Staten Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-63-20-0160**

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 for the installing of a new sliding glass door. **(Enforcement Services Officer Steve Braukhoff)**

Order of Compliance ordered by the Special Magistrate. Officer Braukhoff stated that a permit has been issued and he would provide an Affidavit of Compliance.

C. DEL-11-011

**Artemio Ramirez
567 East Normandy Blvd., Deltona, Florida 32725
Property Address: 567 East Normandy Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-01-12-0150**

Violation Of City of Deltona Ordinance, Section 38-114, which states that storage of building materials, commercial and industrial uses, or any equipment, materials or objects that are not incidental to a residential use, shall be prohibited. **(Enforcement Services Officer Albert Grimsley)**

Per Officer Grimsley, this property is no longer in violation and an Affidavit of Compliance will be submitted.

D. DEL-11-015

Michael T. Kelly

8513 Cypress Hollow Court, Sanford, Florida 32771

Property Address: 1063 Deltona Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-10-11-0110

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 for the demolition and reconstruction of the garage/carport. **(Enforcement Services Officer Dennis Mues)**

Officer Mues has continued this case until the March 23, 2011 Code Hearing.

E. DEL-11-016

Lisa M. Staley

2579 Ainsworth Ave., Deltona, Florida 32738

Property Address: 2579 Ainsworth Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-32-32-0140

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 for the roof, electrical, plumbing, mechanical and structural permits as needed. **(Enforcement Services Officer Albert Grimsley)**

Fine of \$100.00 a day was levied, effective February 23, 2011, to run until the property is no longer in violation or a cap of \$25,000.00 is met.

F. DEL-11-017

Lisa M. Staley

2579 Ainsworth Ave., Deltona, Florida 32738

Property Address: 2579 Ainsworth Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-32-32-0140

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 for the garage. **(Enforcement Services Officer Albert Grimsley)**

Fine of \$100.00 a day was levied, effective February 23, 2011, to run until the property is no longer in violation or a cap of \$25,000.00 is met.

G. DEL-11-018

Lisa M. Staley

2579 Ainsworth Ave., Deltona, Florida 32738

Property Address: 2579 Ainsworth Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-32-32-0140

Violation of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.3, which states that all buildings will have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. **(Enforcement Services Officer Albert Grimsley)**

Officer Grimsley submitted an Affidavit of Compliance.

10. NEW BUSINESS:

A. DEL-11-020

James I. and Elizabeth A. Mars

Revocable Trust

779 Tulip St., Deltona, Florida 32725

Property Address: 779 Tulip St., Deltona, Florida 32725

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

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 Seda)**

Special Magistrate Charles Cino gave the Respondent a thirty day extension to come into compliance. Mr. James Mars is the owner of this property and his daughter is living at this property. She was present at the Hearing and has shown the progress she is making to come into compliance. This case is continued to March 23, 2011. A Hearing to impose fine may be held at this time if the property is not in compliance.

B. DEL-11-021

James L. and Elizabeth A. Mars

Revocable Trust

779 Tulip St., Deltona, Florida 32725

Property Address: 779 Tulip St., Deltona, Florida 32725

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

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. **(Enforcement Services Officer Shanna Seda)**

Special Magistrate Charles Cino gave the Respondent(s) a thirty day extension to come into compliance. Mr. James Mars is the owner of this property and his daughter is living at this property. She was present at the Hearing and has shown the progress she is making to come into compliance. This case is continued to March 23, 2011. A Hearing to impose fine may be held at this time if the property is not in compliance.

C. DEL-11-022

Jose A. Barbosa

141 Fort Smith Blvd., Deltona, Florida 32738-92385

Property Address: 141 Fort Smith Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-42-15-0100

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(s) for the garage enclosure etc.. **(Enforcement Services Officer Steve Braukhoff)**

Mr. Jose A. Barbosa was present and stated he will work to get this project/permit process completed. He was found to be in non compliance and a Hearing to impose fine will be held June 22, 2011 if not in compliance.

D. DEL-11-023

Gerald W. Hausknecht

1196 Wycliffe St., Deltona, Florida 32725

Property Address: 1196 Wycliffe St., Deltona, Florida 32725

Parcel No.: 30-18-31-07-36-0090

Violation of City of Deltona Ordinance, Section 110-827.03(1)(e), which states that no detached accessory building or structure shall be located in the front yard or side street yard. **(Enforcement Services Officer Julie Hughes)**

Mr. Gerald Hausknecht was present for this Hearing and he requested time to apply for a variance permit to have his structure(s) on his property. There is a set-back issue with this structure. Special Magistrate Cino agreed to this request and stated a Hearing to impose fine will be held May 25, 2011, if the Respondent is not in compliance.

E. DEL-11-024

Cristine Lapella

979 Chippendale St., Deltona, Florida 32725

Property Address: 979 Chippendale St., Deltona, Florida 32725

Parcel No.: 30-18-31-30-22-0060

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 carport enclosure, windows and door replacements. **(Enforcement Services Officer Julie Hughes)**

Respondent found in non compliance and a Hearing to impose fine will be held on March 23, 2011.

F. DEL-11-025

Sean and Diana Crockett

1384 Rockhill St., Deltona, Florida 32725

Property Address: 1384 Rockhill St., Deltona, Florida 32725

Parcel No.: 30-18-31-30-18-0120

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 the electrical. **(Enforcement Services Officer Julie Hughes)**

Respondent found in non compliance and a Hearing to impose fine will be held on March 23, 2011.

G. DEL-11-026

Sean and Diana Crockett
1384 Rockhill St., Deltona, Florida 32725
Property Address: 1384 Rockhill St., Deltona, Florida 32725
Parcel No.: 30-18-31-30-18-0120

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 the mechanical. (**Enforcement Services Officer Julie Hughes**)

Respondent found in non compliance and a Hearing to impose fine will be held on March 23, 2011.

H. DEL-11-029

Jean R. and Marie C. Pierre-Louis
107 Locustwood Blvd., Elmont, NY 11003
Property Address: 2465 Elkcam Blvd., Deltona, Florida 32738
Parcel No.: 30-18-31-45-05-0040

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 that all accessory structures, including detached garages, **fences** and walls, shall be maintained and kept in good repair. (**Enforcement Services Officer Danny Ron**)

Respondent found in non compliance and a Hearing to impose fine will be held on March 23, 2011.

I. DEL-11-030

Nenad Stefanovic
2300 Beau Monde Terrace, Unit 403, Lisle, IL 60532
Property Address: 1261 Courtland Blvd., Deltona, Florida 32738
Parcel No.: 30-18-31-38-16-0090

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 the roof repair. (**Enforcement Services Officer Steve Braukhoff**)

Withdrawn

11. OTHER BUSINESS:

A. DEL-11-027 Repeat Case for DEL-10-088

Mirna L. Mazzella

611 Everett St., Deltona, Florida 32725-3216

Property Address: 611 Everett St., Deltona, Florida 32725-3216

Parcel No.:30-18-31-03-61-0320

Violation of City of Deltona Ordinance, Section 38-110(2) and Section 38-114, which states that accumulations of waste, yard trash and/or debris are declared to be a nuisance and that furniture outside must be designed to be placed outdoors or stored inside a covered structure. (**Enforcement Services Officer Shanna Seda**)

Frank Mazzella was present, he is Respondent's son. An Order of non compliance was so ordered by the Special Magistrate with a Hearing to impose fine on March 23, 2011, if the property is still in violation, with the fine retroactive to February 02, 2011 (date when violation observed by Officer Seda)

B. DEL-11-028 Repeat Case for DEL-10-096

Mirna L. Mazzella

611 Everett St., Deltona, Florida 32725-3216

Property Address: 611 Everett St., Deltona, Florida 32725-3216

Parcel No.:30-18-31-03-61-0320

Violation of 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 Shanna Seda**)

Frank Mazzella was present, he is Respondent's son. An Order of non compliance was so ordered by the Special Magistrate with a Hearing to impose fine on March 23, 2011, if the property is still in violation, with the fine retroactive to February 02, 2011 (date when violation observed by Officer Seda)

12. DISCUSSION:

A) By the Special Magistrate

B) By the Enforcement Services Director

13. ADJOURNMENT: Meeting adjourned at 6:30 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

HEARING Clerk, Sonjia Kihlmire