

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Tuesday, November 22, 2011**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Tuesday, November 22, 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
Hearing Clerk	Sonjia Kihlmire	Present
Administrative Staff	Renee Richardson	Present

Also present were: Enforcement Services Officers; Richard Lovett, Steve Braukhoff, Shanna Hogan, Dave DeKruif, Lonnie Wilson, Julie Hughes, Danny Ron, Tray Black and Dennis Mues.

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 October 26, 2011 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Hearing Clerk, Sonjia Kihlmire, states that under, New Business, case DEL-11-158, DEL-11-163, DEL-11-166, are continued and cases DEL-11-165 and DEL-11-169 is/are withdrawn.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-11-099

Ralph J. Lucchese & Hipolito Davila
1911 Piper Terrace, Deltona, Florida 32738
Property Address: 1235 Myra Court, Deltona, Florida 32738
Parcel No.: 30-18-31-38-28-0130

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 Dave DeKruif)

Fine of \$250.00 a day was levied by the Special Magistrate, effective November 22, 2011 and to continue until compliance is achieved or a cap of \$20,000.00 is met.

B. DEL-11-101

Ralph J. Lucchese & Hipolito Davila
1911 Piper Terrace, Deltona, Florida 32738
Property Address: 1235 Myra Court, Deltona, Florida 32738
Parcel No.: 30-18-31-38-28-0130

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

Fine of \$250.00 a day was levied by the Special Magistrate, effective November 22, 2011 and to continue until compliance is achieved or a cap of \$20,000.00 is met.

C. DEL-11-116

Janice C. Swick & Leonard Crary
2280 Fox Chapel Court, Deltona, Florida 32738
Property Address: 2280 Fox Chapel Court, Deltona, Florida 32738
Parcel No.: 30-18-31-58-04-0010

Violation of 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 Richard Lovett)

Mr. Leonard Crary was present at the Hearing and requested more time to come into compliance. First amended Order of Non Compliance with a Hearing to impose fine scheduled for the February 22, 2012 Code Hearing.

D. DEL-11-117

Janice C. Swick & Leonard Crary
2280 Fox Chapel Court, Deltona, Florida 32738
Property Address: 2280 Fox Chapel Court, Deltona, Florida 32738
Parcel No.: 30-18-31-58-04-0010

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 properly coated where required to prevent deterioration. (Enforcement Services Officer Richard Lovett)

Mr. Leonard Crary was present at the Hearing and requested more time to come into compliance. First amended Order of Non Compliance with a Hearing to impose fine scheduled for the February 22, 2012 Code Hearing.

E. DEL-11-125 (Repeat of A4485)

Margaret B. Gumbs
1495 Elkcam Blvd., Deltona, Florida 32725-3733
Property Address: 1495 Elkcam Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-09-32-0110

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)

Order of Compliance.

F. DEL-11-129

Timothy P. Frew
1299 North Old Mill Rd., Deltona, Florida 32725
Property Address: 1299 North Old Mill Rd., Deltona, Florida 32725
Parcel No.: 30-18-31-26-08-0090

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

Mr. Timothy Frew was present at the Code Hearing and was given more time to remove his commercial equipment. Second Amended Order of Non Compliance with a Hearing to impose fine at the January 25, 2012 Code Hearing.

G. DEL-11-134

Adrian M. Ramirez

838 Merrimac St., Deltona, Florida 32725

Property Address: 838 Merrimac St., Deltona, Florida 32725

Parcel No.: 30-18-31-30-05-0180

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)

Tow Order signed for any future inoperable vehicles at this property. Currently property is in compliance, so an Order of Compliance was levied.

H. DEL-11-136

Ricardo Moret EST

1801 North Normandy Blvd., Deltona, Florida 32725

Property Address: 1801 North Normandy Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-03-43-0140

Violation of 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 Lonnie Wilson)

Currently property is in compliance, so an Order of Compliance was levied.

I. DEL-11-138

Ivette Cruz Huckabay

1472 Galena Terrace, Deltona, Florida 32725

Property Address: 1472 Galena Terrace, Deltona, Florida 32725

Parcel No.: 30-18-31-26-08-0260

Violation of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 302.2, grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. (Enforcement Services Officer Lonnie Wilson)

Ms. Huckabay was present at the Hearing. Since she is making improvements, more time was given to come into compliance. First Amended Order of Non Compliance with a Hearing to impose fine at the January 25, 2012 Code Hearing.

J. DEL-11-143

Joe L. Woodard

2876 North Juliet Dr., Deltona, Florida 32738-2004

Property Address: 2876 North Juliet Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-32-59-0190

Violation of City of Deltona Ordinance, Section 66-19(3), which states that recreational vehicles/boats/trailers 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 Richard Lovett)

Tow Order signed for any future recreational vehicles at this property that are not stored correctly. Currently property is in compliance, so an Order of Compliance was levied.

9. New Business:

A. DEL-11-146

Teresa Arlene Graham

1105 Gerona Ave., Deltona, Florida 32725

Property Address: 1105 Gerona Ave., Deltona, Florida 32725

Parcel No.: 30-18-31-25-07-0060

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, 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 a window replacement. (Enforcement Services Officer Tray Black)

Order of Non Compliance with a Hearing to impose fine scheduled for the January 25, 2012 Code Hearing.

B. DEL-11-149

David J. Beagle

2270 Matthew Circle, Deltona, Florida 32738

Property Address: 1090 East Normandy Blvd., Deltona, Florida 32725

Parcel No.: 30-18-31-05-72-0140

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)

Case Continued to January 25, 2012.

C. DEL-11-150

Jason M. and Ann Marie Clukey Sr.
1806 Monticello St., Deltona, Florida 32738
Property Address: 1806 Monticello St., Deltona, Florida 32738
Parcel No.: 30-18-31-16-22-0020

Violation of City of Deltona Ordinance, Section 18-5, reference to 304.10, adopting the latest edition of the International Property Maintenance Code, which states that every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. (stairs leading to the front door) (Enforcement Services Officer Shanna Hogan)

Order of Non Compliance issued.

D. DEL-11-151

Stanley P. and Linda S. Prestidge
2318 Fairgren Ave., Deltona, Florida 32738
Property Address: 2318 Fairgren Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-74-27-0100

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 Richard Lovett)

Order of Non Compliance issued.

E. DEL-11-152

Stanley P. and Linda S. Prestidge
2318 Fairgren Ave., Deltona, Florida 32738
Property Address: 2318 Fairgren Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-74-27-0100

Violation of 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 Richard Lovett)

Order of Non Compliance issued.

F. DEL-11-153

**Michael R. and Patricia G. Blomn
708 Ibis Ave., Deltona, Florida 32738
Property Address: 708 Ibis Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-62-33-0090**

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, 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 an expired pool and addition permits. (Enforcement Services Officer Steve Braukhoff)

Order of Non Compliance issued, Hearing to impose fine at the January 25, 2012 Code Hearing.

G. DEL-11-154

**Michael R. and Patricia G. Blomn
708 Ibis Ave., Deltona, Florida 32738
Property Address: 708 Ibis Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-62-33-0090**

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, 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 an expired pool and addition permits. (Enforcement Services Officer Steve Braukhoff)

Order of Non Compliance issued, Hearing to impose fine at the January 25, 2012 Code Hearing.

H. DEL-11-156

**Robert C. Hill II TR
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(5), which states no stock or commodity shall be kept or sold upon the premises. (Enforcement Services Officer Richard Lovett)

Order of Non Compliance issued, Hearing to impose fine at the January 25, 2012 Code Hearing.

I. DEL-11-158

Joaquin Melendez Sr.
2030 Quintilis Court, Deltona, Florida 32738
Property Address: 2030 Quintilis Court, Deltona, Florida 32738
Parcel No.: 30-18-31-64-09-0050

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 and shall under no circumstances change the residential character of the dwelling. (Enforcement services Officer Danny Ron)

Case continued to the January 25, 2012 Code Hearing.

J. DEL-11-160

David Torres
2886 Kimberly Rd., Deltona, Florida 32738
Property Address: 2886 Kimberly Rd., Deltona, Florida 32738
Parcel No.: 30-18-31-32-24-0040

Violation of 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 Richard Lovett)

Order of Non Compliance issued, Hearing to impose fine at the January 25, 2012 Code Hearing.

K. DEL-11-161

Maurice Brooks
PO Box 740752, Orange City, Florida 32774
Property Address: 641 Merrimac St., Deltona, Florida 32725
Parcel No.: 30-18-31-01-13-0070

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 Julie Hughes)

Fine of \$250.00 levied, effective immediately, for failure to obtain the business tax license. Respondent found in Non Compliance.

L. DEL-11-162

Barry Kaleky

737 Waterfall Circle, Deltona, Florida 32725

Property Address: 737 Waterfall Circle, Deltona, Florida 32725

Parcel No.: 30-18-31-28-19-0011

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)

Mr. Kaleky was present and found to be in Non Compliance with a Hearing scheduled to impose fine at the January 25, 2012 Code Hearing.

M. DEL-11-163

Deltona Partners LLC

5050 Belmont Ave., Youngstown, Ohio 44505

Property Address: 2160 Howland Blvd., Deltona, Florida 32738

Parcel No.: 14-18-31-04-00-0013

Violation of the City of Deltona Ordinance, Section 18-5 which adopts the latest edition of the International Property Maintenance Code, Section 604.3, which states where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard. Aso City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 605.1, which states that all electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner. (Enforcement Services Officer Danny Ron)

Case continued to the January 25, 2012 Code Hearing.

N. DEL-11-165

Tiffany Whitman

1867 Pickens Court, Deltona, Florida 32738

Property Address: 1867 Pickens Court, Deltona, Florida 32738

Parcel No.: 30-18-31-68-07-0090

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, 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 an expired fence permit. (Enforcement Services Officer Danny Ron)

Withdrawn.

O. DEL-11-166

Vincent & Phyllis Cuda

2926 Kirkland St., Deltona, Florida 32738

Property Address: 2926 Kirkland St., Deltona, Florida 32738

Parcel No.: 30-18-31-32-11-0040

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 Danny Ron)

Case continued to January 25, 2012.

P. DEL-11-167

R T and Tara G. Hillery

1843 McCarthy Ave., Sanford, Florida 32771

Property Address: 1685 Brewton Circle, Deltona, Florida 32738

Parcel No.: 30-18-31-43-64-0080

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 an expired window permit and entire addition of the second floor. (Enforcement Services Officer Steve Braukhoff)

Mr. Hillery was present and stated he would need additional time to hire an engineer and to meet with the Building Official. Case continued to January 25, 2012.

Q. DEL-11-168

Tony C. Jones

1440 Felton St., Deltona, Florida 32725

Property Address: 1440 Felton St., Deltona, Florida 32725

Parcel No.: 30-18-31-07-69-0050

Violation of City of Deltona Ordinance, Section 66-18(a), which states that no vehicles greater than 10,000 pounds manufacturer's gross vehicle weight or designed to carry 16 or more passengers, or requiring a commercial driver's license (CDL) of any endorsement to operate shall be parked or stored in any residential or agricultural zoning district except in agricultural areas on lots of five acres or more. (Enforcement Services Officer Julie Hughes)

Tow Order was issued for any vehicles over 10,000 pounds.

R. DEL-11-169

**Greatstone Equities Inc.
% The Circle K Company DC17
PO Box 52085, Phoenix, AZ 8572-2085
Property Address: 815 Deltona Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-22-38-0020**

Violation of 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, walls and sheds shall be maintained and kept in good repair and sound structural condition. (Enforcement Services Officer Dennis Mues)

Case was withdrawn.

S. DEL-11-170

**Magda & Jorge Baque
24-37 92nd Street, East Elmhurst, NY 11369
Property Address: 1645 Airmont Ave., Deltona, Florida 32725
Parcel No.: 30-18-31-65-10-0060**

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)

Order of Non Compliance with a Hearing scheduled to impose fine at the January 25, 2012 Code Hearing.

10. OTHER BUSINESS:

A. DEL-11-135 Repeat of DEL-10-041

**Adrian M. Ramirez
838 Merrimac St., Deltona, Florida 32725
Property Address: 838 Merrimac St., Deltona Florida 32725
Parcel No.: 30-18-31-30-05-0180**

Violation of City of Deltona Ordinance, Section 66-18(h), which states that a maximum of two (2) vehicles may be parked in the side or rear yard, which is restrictions on trucks and other vehicles. (Enforcement Services Officer Shanna Hogan)

Tow Order was issued for any improperly parked vehicles and/or more than two vehicles parked in the side or rear yard. Property is currently in compliance.

B. DEL-11-155 Repeat of DEL-10-141

Robert C. Hill II TR

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 shall under no circumstances change the residential character of the dwelling. (Enforcement services Officer Richard Lovett)

Fine of \$250.00 a day for the period of time that the business was being run /property in violation. (October 4, 2011 thru October 18, 2011) A total of 14 days which equals \$3,500.00.

C. DEL-11-164 Repeat of DEL-09-102

Edwin Encarnacion

2400 Eldridge St., Deltona, Florida 32738-1837

Property Address: 2400 Eldridge St., Deltona, Florida 32738

Parcel No.: 30-18-31-33-17-0010

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, 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 an Exterior wall permit. (Enforcement Services Officer Danny Ron)

Mr. Encarnacion was present at this Hearing and the Special Magistrate stated he would continue the case to the January 25, 2011 Code Hearing, to allow time for Respondent to meet with the Building Official.

11. DISCUSSION:

A. By the Special Magistrate

B. By the Enforcement Services Director

12. ADJOURNMENT (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.

Special Magistrate, Charles Cino

Hearing Clerk, Sonjia Kihlmire