

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
Wednesday, February 27, 2013**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, February 27, 2013 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
Director	Dale Baker	Present

Also present were: Enforcement Services Officers; Tray Black, Danny Ron, Richard Lovett, Julie Hughes and Steve Braukhoff.

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 23, 2013 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Director, Dale Baker, states that under, New Business, case(s) DEL-13-030 and DEL-13-034, are withdrawn.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-12-163

Los Pentecostales De Deltona, Inc.

P.O. Box 390026, Deltona, Florida 32728

Property Address: 2000 Howland Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-74-00-0080

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 this building. (Enforcement Services Officer Richard Lovett)

Fine of \$250.00 placed on the property, effective immediately.

B. DEL-12-193

Donna Martin

3071 Snow Dr., Deltona, Florida 32738

Property Address: 3071 Snow Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-33-03-0080

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 the pool and deck-. (Enforcement Services Officer Danny Ron)

First Amended Order of Non-Compliance with a Hearing to impose fine at the March 27, 2013 Code Hearing, if still in violation.

C. DEL-13-003

THR Florida LLC

280 S. Ronald Reagan Blvd., Longwood, Florida 32750

Property Address: 1759 Santee Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-43-25-0260

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 a window. (Enforcement Services Officer Richard Lovett)

Affidavit of Compliance submitted by the Officer and an Order of Compliance was signed by the Special Magistrate.

D. DEL-13-005

Robert Groesbeck

3031 Mallard Dr., Deltona, Florida 32738

Property Address: 943 Halstead St., Deltona, Florida 32725

Parcel No.: 30-18-31-28-18-0070

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 Tray Black)

A Fine of \$100.00 a day to be issued if the Respondent is not in Compliance by March 10, 2013. Fine to run until the cap of \$20,000.00 is met or the property is no longer in violation.

E. DEL-13-006

Robert Groesbeck

3031 Mallard Dr., Deltona, Florida 32738

Property Address: 943 Halstead St., Deltona, Florida 32725

Parcel No.: 30-18-31-28-18-0070

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 Tray Black)

A Fine of \$100.00 a day to be issued if the Respondent is not in Compliance by March 10, 2013. Fine to run until the cap of \$20,000.00 is met or the property is no longer in violation.

F. DEL-13-019

Alexander Carrasquillo

2457 Cardena Ave., Deltona, Florida 32738

Property Address: 2457 Cardena Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-74-12-0050

Violation 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 Compliance Ordered, per the testimony of the Code Office.

10. New Business:

A. DEL-12-160

Michael Ingrao

116 East Citrus St., Altamonte Springs, Florida 32701-7627

Property Address: 2940 Surf Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-33-11-0260

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 is properly coated where required to prevent deterioration. (Enforcement Services Officer Danny Ron)

Order of Non-Compliance with a Hearing to impose fine at the March 27, 2013 Code Hearing.

B. DEL-13-020

Thomas and Christina Redington

2975 Windsor Heights, Deltona, Florida 32738-2604

**Property Address: 2975 Windsor Heights St., Deltona, Florida
32738**

Parcel No.: 30-18-31-32-27-0270

Violation of City of Deltona Ordinance, Section 14-9(e), which states that no person shall keep, maintain, raise, or feed, in the city, any animal determined to be a public nuisance in accordance with section 14-2 thereof (stray cats) (Enforcement Services Officer Danny Ron)

This case was continued from last month and was actually heard then, this should have been placed under Old Business. This case was continued again to the March 27, 2013 Code Hearing. Both Respondents were present at the Hearing.

C. DEL-13-022

Joye J. and Angela Aviles

1435 Independence Ave., Deltona, Florida 32725

**Property Address: 1435 Independence Ave., Deltona, Florida
32725**

Parcel No.: 30-18-31-30-15-0150

Violation of City of Deltona Ordinance, Section Sec. 14-2. It is unlawful for a person to permit animals to become a public nuisance. An animal shall be declared a public nuisance animal if such animal:

(1) Is repeatedly found at large;

(Enforcement Services Officer Richard Lovett)

Order of Non-Compliance with a Hearing to impose fine at the May 22, 2013 Code Hearing. More time was given so the animal owner can come into compliance. Both Respondents were present at the Hearing.

D. DEL-13-025

**Randy Lee and Susan Bergman
1194 Gage Ave., Deltona, Florida 32738
Property Address: 1194 Gage Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-38-14-0120**

Violation of City of Deltona Ordinance, Section 18-5, adopting 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)

Order of Non-Compliance with a Hearing to impose fine at the April 24, 2013 Code Hearing.

E. DEL-13-026

**Randy Lee and Susan Bergman
1194 Gage Ave., Deltona, Florida 32738
Property Address: 1194 Gage Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-38-14-0120**

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 Steve Braukhoff)

Order of Non-Compliance with a Hearing to impose fine at the April 24, 2013 Code Hearing.

F. DEL-13-027

**Randy Lee and Susan Bergman
1194 Gage Ave., Deltona, Florida 32738
Property Address: 1194 Gage Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-38-14-0120**

Violation City of Deltona Ordinance, Section 18-5, reference to 304.6, adopting the latest edition of the International Property Maintenance Code, 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 Steve Braukhoff)

Order of Non-Compliance with a Hearing to impose fine at the April 24, 2013 Code Hearing.

G. DEL-13-028

Randy Lee and Susan Bergman
1194 Gage Ave., Deltona, Florida 32738
Property Address: 1194 Gage Ave., Deltona, Florida 32738
Parcel No.: 30-18-31-38-14-0120

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.

Section 14-141(f) It is the responsibility of any owner, keeper or possessor of a domesticated dog or cat kept as a household pet within the city to cause such animal to wear at all times a metal tag bearing the legible number of a current license issued for such animal as provided for in this section.

Section Sec. 14-201(a)

Every person who owns or harbors a dog or cat in the city shall have such dog or cat annually vaccinated against rabies by a licensed veterinarian. Evidence of such vaccination shall consist of a current certificate issued and signed by the veterinarian administering the vaccination. The owner or custodian of any animal required by this section to be inoculated against rabies shall keep a current rabies tag with the year attached to the animal at all times.

(Enforcement Services Officer Steve Braukhoff)

Order of Non-Compliance with a Hearing to impose fine at the April 24, 2013 Code Hearing.

H. DEL-13-029

Mark E. Shukwit

2776 Fayson Circle, Deltona, Florida 32738

Property Address: 2776 Fayson Circle, Deltona, Florida 32738

Parcel No.: 30-18-31-43-35-0080

Violation City of Deltona Ordinance, Section 66-56, abandoned vehicles prohibited; which states that all abandoned vehicles described in Section 66-54 or vehicles without a current state license tag, if required, shall be prohibited on any public right of way under any circumstances, or on private property except within a completely enclosed garage or when such vehicles are a permitted principal use or special exception in any zoning classification.

Sec. 66-54. – Definitions:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned vehicles means vehicles that are inoperative, wrecked, partially dismantled or otherwise mechanically incapable of being operated in their present condition or without current state license tag if required.

Sec. 66-56. - Abandoned vehicles prohibited

All abandoned vehicles as described in section 66-54 or vehicles without a current state license tag, if required, shall be prohibited on any public right-of-way under any circumstances, or on private property except within a completely enclosed garage or when such vehicles are a permitted principal use or special exception in any zoning classification. (Enforcement Services Officer Steve Braukhoff)

Order of No-Compliance with a Hearing to impose fine at the March 27, 2013 Code Hearing. Mark Shukwit was present.

I. DEL-13-030

Gary Jensen, DBA Budget Pool Supply Inc.

1298 Tartan Ave., Deltona, Florida 32738

Property Address: 1330 Howland Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-38-11-0270

Violation 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 a fence. (Enforcement Services Officer Steve Braukhoff)

Withdrawn.

J. DEL-13-031

Thomas and Judy Bamundo
2970 Willow Bay Terrace, Casselberry, Florida 32707
Property Address: 747 Leeward Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-19-08-0100

Violation of City of Deltona Ordinance, Section 18-5, which 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. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. (Enforcement Services Officer Steve Braukhoff)

Order of Non-Compliance with a Hearing to impose fine at the March 27, 2013 Code Hearing.

K. DEL-13-032

Thomas and Judy Bamundo
2970 Willow Bay Terrace, Casselberry, Florida 32707
Property Address: 747 Leeward Dr., Deltona, Florida 32738
Parcel No.: 30-18-31-19-08-0100

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)

Order of Non-Compliance with a Hearing to impose fine at the March 27, 2013 Code Hearing.

L. DEL-13-033

Todd D. Pierson

2817 Tupelo Court, Longwood, Florida 32779

Property Address: 2730 Sanger Terrace, Deltona, Florida 32738

Parcel No.: 30-18-31-33-13-0210

Violation of City of Deltona Ordinance, Section 14-141(f)? It is the responsibility of any owner, keeper or possessor of a domesticated dog or cat kept as a household pet within the city to cause such animal to wear at all times a metal tag bearing the legible number of a current license issued for such animal as provided for in this section. (Enforcement Services Officer Richard Lovett)

Respondent found in violation/Non-Compliance, completed the actions necessary to come into Compliance and the case was Dismissed. Lori Roberts was present for this case.

M. DEL-13-034

Paul L. Evans and Marie Maurissette

2668 Courtland Blvd., Deltona, Florida 32738

Property Address: 2668 Courtland Blvd., Deltona, Florida 32738

Parcel No.: 30-18-31-32-32-0250

Violation of City of Deltona Ordinance, Section 14-141(f)? It is the responsibility of any owner, keeper or possessor of a domesticated dog or cat kept as a household pet within the city to cause such animal to wear at all times a metal tag bearing the legible number of a current license issued for such animal as provided for in this section. (Enforcement Services Officer Richard Lovett)

Withdrawn.

N. DEL-13-035

Tabatha C. Freedman

1061 Kenmore St., Deltona, Florida 32725

Property Address: 1061 Kenmore St., Deltona, Florida 32725

Parcel No.: 30-18-31-05-63-0170

Violation City of Deltona Ordinance, Section Sec.14-2. It is unlawful for a person to permit animals to become a public nuisance. An animal shall be declared a public nuisance animal if such animal:

(1)Is repeatedly found at large;

(7)Harasses passersby or passing vehicles;

(9)Has been designated by the animal control officer to be a public nuisance animal, by virtue of being a menace to public health, welfare or safety; or. (Enforcement Services Officer Julie Hughes)

Case continued for 90 days to monitor the situation, due to numerous occasions of the dogs being out. Neighbor, Darell Hill stated dogs still run loose. Owner was present to hear testimony. Hearing to impose fine slated for the May 22, 2013 Code Hearing, if animal issues continue.

11. OTHER and REPEAT BUSINESS:

A. DEL-13-036, Repeat of DEL-09-120

Norman C. Grenier TTEE, % Ronald N. & Lisa Grenier PUC

1593 Rockwell Heights Dr., Deland Florida 32724

Property Address: 1007 Davenport Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-11-50-0010

Violation 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)

James Grenier and his son were present at the Hearing. Special Magistrate Cino stated that since this is a repeat case, he is issuing a fine of \$100.00 a day, effective immediately and to run until the cap of \$10,000.00 is met or the property has come into Compliance and the violation no longer exists.

B. DEL-13-037, Repeat of DEL-09-127

Norman C. Grenier TTEE, % Ronald N. & Lisa Grenier PUC

1593 Rockwell Heights Dr., Deland Florida 32724

Property Address: 1007 Davenport Dr., Deltona, Florida 32725

Parcel No.: 30-18-31-11-50-0010

Violation 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)

James Grenier and his son were present at the Hearing. Special Magistrate Cino stated that since this is a repeat case, he is issuing a fine of \$100.00 a day, effective immediately and to run until the cap of \$10,000.00 is met or the property has come into Compliance and the violation no longer exists.

- C. DEL-13-038, Repeat of DEL-09-125**
Norman C. Grenier TTEE, % Ronald N. & Lisa Grenier PUC
1593 Rockwell Heights Dr., Deland Florida 32724
Property Address: 1007 Davenport Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-11-50-0010

Violation 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 Julie Hughes)

Respondent found in violation/Non-Compliance, completed the actions necessary to come into Compliance and the case was Dismissed.

- D. DEL-13-039, Repeat of DEL-10-061**
Norman C. Grenier TTEE, % Ronald N. & Lisa Grenier PUC
1593 Rockwell Heights Dr., Deland Florida 32724
Property Address: 1007 Davenport Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-11-50-0010

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 Julie Hughes)

Order of Non-Compliance with a Hearing to impose fine at the March 27, 2013 Code Hearing.

12. DISCUSSION:

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

13. ADJOURNMENT (6:45 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