

**CITY OF DELTONA, FLORIDA  
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES  
WEDNESDAY July 28, 2010**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, July 28, 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, 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 June 23, 2010 were approved, by Special Magistrate, Charles Cino.**

**7. ANNOUNCEMENTS: - The Director of Enforcement Services, Dale Baker, stated under New Business, case DEL-10-109 is Withdrawn, DEL-10-110 is withdrawn and DEL-10-114 is requested to be heard first.**

**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** requested an extension to next month. The owners of this property are working on this issue.

**B. DEL-10-066**

**Morgan W. Stewart  
3283 Croton Ave., Deltona, Florida 32738  
Property Address: 3283 Croton Ave., Deltona, Florida 32738  
Parcel No.: 30-18-31-34-14-0040**

**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 Danny Ron**)

**Affidavit** of Compliance was submitted for this case, by Officer Ron. [Order of Compliance]

**C. DEL-10-067**

**Morgan W. Stewart  
3283 Croton Ave., Deltona, Florida 32738  
Property Address: 3283 Croton Ave., Deltona, Florida 32738  
Parcel No.: 30-18-31-34-14-0040**

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

**Order** of \$25.00 a day, effective July 29, 2010 and to continue until the property is in compliance or a cap of \$10,000.00 is met.

**D. DEL-10-089**

**RenayL. Proenza and Tracy M. Walsh  
677 Elwood St., Deltona, Florida 32725  
Property Address: 677 Elwood St., Deltona, Florida 32725  
Parcel No.: 30-18-31-03-41-0480**

**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 Shanna Hawkins)**

**Affidavit** of Compliance was submitted for this case, by Officer Hawkins. [Order of Compliance]

**E. DEL-10-090**

**RenayL. Proenza and Tracy M. Walsh  
677 Elwood St., Deltona, Florida 32725  
Property Address: 677 Elwood St., Deltona, Florida 32725  
Parcel No.: 30-18-31-03-41-0480**

**Violation** of City of Deltona Ordinance, Section 18-5 adopting the latest edition of the International Property Maintenance Code, Section 303.1, which states that swimming pools shall be maintained in a clean and sanitary condition, and kept in good repair. **(Enforcement Services Officer Shanna Hawkins)**

**Affidavit** of Compliance was submitted for this case, by Officer Hawkins. [Order of Compliance]

**F. 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, when a Hearing to impose fine will be held if this property is still in violation. He also cautioned that the area of this home, that was added without a permit is not to be used until a permit is obtained or inspected by the Building Dept.

**G. DEL-10-093**

**Nicole Baldock**

**1410 Catalina Blvd., Deltona, Florida 32725**

**Property Address: 1410 Catalina Blvd., Deltona, Florida 32725**

**Parcel No.: 30-18-31-71-05-0230**

**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 room addition. **(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. There is Lis Pendens on this property and Officer Hawkins stated no contact was made to these owner(s).

**H. 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.

**10. NEW BUSINESS:**

**A. 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)**

Case continued to September 22, 2010 Code Hearing and an Order of Non Compliance was issued.

**B. DEL-10-109**

**Alberto Hernandez and Carmen R. Cardona**  
**568 Giralda Ave., Deltona, Florida 32725**  
**Property Address: 3319 Dewberry Dr., Deltona, Florida 32738**  
**Parcel No.: 02-18-31-01-00-0010**

**Violation** of City of Deltona Ordinance, Section 66-18(h), which states that a maximum of (2) vehicles may be parked in the side or rear yard. **(Enforcement Services Officer Danny Ron)**

**Withdrawn.**

**C. DEL-10-110**

**Alberto Hernandez and Carmen R. Cardona**  
**568 Giralda Ave., Deltona, Florida 32725**  
**Property Address: 3319 Dewberry Dr., Deltona, Florida 32738**  
**Parcel No.: 02-18-31-01-00-0010**

**Violation** of City of Deltona Ordinance, Section 58-31, use of city rights-of-way. Pursuant to the police power of the City, the City Commission determines, in the interest of the health, safety and welfare of its citizens, that the use of any City right-of-way, including appendages, and the use of any public lands under the authority of the City Commission, except for their intended purpose, without prior written consent of the City shall be prohibited. **(Enforcement Services Officer Danny Ron)**

**Withdrawn.**

**11. OTHER BUSINESS:**

**A. DEL-10-114**

**James R. Johnson and Sonja M. Haas**  
**583 Stallings Ave., Deltona, Florida 32738**  
**Witness Information:**  
**Mark R. and Bridget L. Anthony**  
**528 Stallings Ave., Deltona, Florida 32738**

**Violation** of Florida State Statues Section 767.11(1) (a) and City of Deltona Ordinance 14-1, "Dangerous Dog". **(Enforcement Services Officer Danny Ron)**

The Special Magistrate stated that he would deliberate this case and would issue his Order and his Findings of Fact at a later time. The Respondents were present; James R. Johnson, Sonjia Haas and Chance Haas. The Victims, Mark and Bridget Anthony were also present. The witness list was as follows; Barbara Leonard, Carlos Rivera and Mike Cilewik. The Defendants were represented by William R. Alexander P.A.

**12. DISCUSSION:**

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

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

**ATTEST:**

---

**Hearing Clerk, Sonjia Kihlmire**