

**CITY OF DELTONA, FLORIDA  
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES  
Wednesday, January 25, 2012**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, January 25, 2012 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; Richard Lovett, Steve Braukhoff, Shanna Hogan, 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:** Mr. Cino stated that he had read the story about the Dangerous dog case.

**6. APPROVAL OF MINUTES:**

The Minutes of the Special Magistrate Hearing for November 22, 2011 were approved, by Special Magistrate, Charles Cino.

**7. ANNOUNCEMENTS:** - The Director, Dale Baker, states that under, New Business, case DEL-12-007, DEL-12-011 and DEL-12-020, are withdrawn.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-11-129**

**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, however arrived late and wasn't heard. He was given an Order stating that a fine of \$250.00 a day would be levied immediately if his commercial equipment was not removed, with a cap of \$20,000.

**B. DEL-11-141**

**Rosalind Shiver**

**735 Osteen Cemetary Rd., Deltona, Florida 32738**

**Property Address: 735 Osteen Cemetary Rd., Deltona, Florida 32738**

**Parcel No.: 30-18-31-26-08-0090**

**Violation** of City of Deltona Ordinance, Section 4-2, which states 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)

Officer Lovett submitted an Affidavit of Compliance and Mr. Cino so ordered an Order of Compliance be executed based on the Affidavit provided.

**C. DEL-11-146**

**US Bank National Assoc TR**

**Teresa Arlene Graham**

**1100 Virginia Dr., Fort Washington, PA 19034**

**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)

First Amended Order of Non Compliance with a Hearing to impose fine scheduled for the February 22, 2012 Code Hearing. US Bank to be noticed again to allow them 30 days to comply.

**D. 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)

Fine of \$250.00 levied and case Continued to February 22, 2012, for a possible additional fine. Respondent given an additional 30 days to comply before another fine may be levied. Order of Non Compliance also issued.

**E. 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)

First Amended Order of Non Compliance issued, Hearing to impose fine at the February 22, 2012 Code Hearing.

**F. 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)

First Amended Order of Non Compliance issued, Hearing to impose fine at the February, 2012 Code Hearing.

**G. 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)

Officer Lovett submitted an Affidavit of Compliance and Mr. Cino so ordered an Order of Compliance be executed based on the Affidavit provided.

**H. 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 \$250.00 a day effective immediately with a cap of \$20,000.00, or to run until the Respondent comes into compliance.

**9. New Business:**

**A. DEL-11-167**

**R.T. and Tara 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 the whole second floor and the windows. (Enforcement Services Officer Steve Braukhoff)

Mr. Hillery was present and stated that he has spoken to the Building Official and that he has an Architecture Firm, who state that they should complete this project within 90 days. The Building Official also stated he is working with Mr. Hillery. Mr Cino gave him 90 days to obtain the permits needed for this property. Currently an Order of Non Compliance has been levied.

**B. DEL-12-002**

**Jennifer and Ramond Swint**

**3111 Hallow Dr., Deltona, Florida 32738**

**Property Address: 3111 Hallow Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-44-18-0080**

**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 Steve Braukhoff)

A tow Order was given for any oversized vehicles found parked in any City residential area, according to Section 66-18(a). Also levied was an Order of Non Compliance.

**C. DEL-12-003**

**Thomas Coleman**

**1357 Pacific Court, Deltona, Florida 32725-1585**

**Property Address: 1357 Pacific Court, Deltona, Florida 32725**

**Parcel No.: 30-18-31-75-03-0050**

**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 Julie Hughes)

Mr. Coleman was present and was found to be in Non Compliance and a Hearing to impose fine will be held February 22, 2012.

**D. DEL-12-004**

**Thomas Coleman**

**1357 Pacific Court, Deltona, Florida 32725-1585**

**Property Address: 1357 Pacific Court, Deltona, Florida 32725**

**Parcel No.: 30-18-31-75-03-0050**

**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 a nuisance and must be abated in their entirety. (Enforcement Services Officer Julie Hughes)

Mr. Coleman was present and was found to be in Non Compliance and a Hearing to impose fine will be held February 22, 2012.

**E. DEL-12-006**

**Robert Groesbeck**

**3031 Mallard Dr., Deltona, Florida 32738**

**Property Address: 943 Halstead St., Deltona, Florida 32738**

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

**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 and case Continued to February 22, 2012, for a possible additional fine. Respondent given an additional 30 days to comply before another fine may be levied. Order of Non Compliance also issued.

**F. DEL-12-007**

**Dexter A. and Velvert Anderson**

**2585 Coachman Dr., Deltona, Florida 32725**

**Property Address: 2585 Coachman Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-54-03-0150**

**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 Richard Lovett)

Case withdrawn.

**G. DEL12-008**

**Joe L. Woodard**

**2876 North Juliet Dr., Deltona, Florida 32738**

**Property Address: 2876 North Juliet Dr., Deltona, Florida 32738-2004**

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

**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 Richard Lovett)

Found in Non Compliance, then in Compliance and case closed. A tow Order was issued for any future issues at this property.

**H. DEL-12-011**

**Allan P. Smith**

**805 Cheriton St., Deltona, Florida 32725**

**Property Address: 805 Cheriton St., Deltona, Florida 32725**

**Parcel No.: 30-18-31-66-12-0030**

**Violation** of City of Deltona Ordinance, Section 18-5, which adopts 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 Tray Black)

Case Withdrawn.

**I. DEL-12-012**

**Jeffery Burroughs**

**1556 Monticello St., Deltona, Florida 32725-4837**

**Property Address: 1556 Monticello St., Deltona, Florida 32725-4837**

**Parcel Address: 30-18-31-16-01-0110**

**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 Lonnie Wilson)

Fine of \$250.00 levied and case Continued to February 22, 2012, for a possible additional fine. Respondent given an additional 30 days to comply before another fine may be levied. Order of Non Compliance also issued.

**J. DEL-12-013**

**Adrian & Brenda Lee Chase**

**236 Courtland Blvd., Deltona, Florida 32738**

**Property Address: 236 Courtland Blvd., Deltona, Florida 32738**

**Parcel No.: 30-18-31-59-43-0300**

**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 Steve Braukhoff)

Respondent(s) found to be in violation, non compliance and then found to be in compliance when permit obtained and this case was dismissed.

**K. DEL-12-014**

**Janet L., Rebecca A. and Daniel L. Shirley**

**3080 Blaine Circle, Deltona, Florida 32738**

**Property Address: 3080 Blaine Circle, Deltona, Florida 32738**

**Parcel No.: 30-18-31-43-70-0090**

**Violation** of City of Deltona Ordinance, Section 14-2, which states it is unlawful for a person to permit animals to become a public nuisance. An animal is declared a public nuisance animal if such animal is (1) repeatedly found at large. (Enforcement Services Officer Steve Braukhoff)

Due to the Respondent(s) due diligence and being so responsible, Mr. Cino gave them an additional 90 days (April 25, 2012 Code Hearing) to make sure they stay in compliance, before he issues any Orders about their dog. They and a neighbor were present at the Hearing.

**L. DEL-12-015**

**Janet L., Rebecca A. and Daniel L. Shirley  
3080 Blaine Circle, Deltona, Florida 32738  
Property Address: 3080 Blaine Circle, Deltona, Florida 32738  
Parcel No.: 30-18-31-43-70-0090**

**Violation** of City of Deltona Ordinance, Section 14-3(a), which states it is unlawful for a person to keep, maintain or raise in the city the following animals: (5) Animals that have been declared "public nuisance animals" more than once. (Enforcement Services Officer Steve Braukhoff)

Due to the Respondent(s) due diligence and being so responsible, Mr. Cino gave them an additional 90 days (April 25, 2012 Code Hearing) to make sure they stay in compliance, before he issues any Orders about their dog. They and a neighbor were present at the Hearing.

**M. DEL-12-017**

**Hector Vazquez  
1595 Page Dr. North, Deltona, Florida 32725  
Property Address: 2225 East Dana Dr., Deltona, Florida 32738  
Parcel No.: 30-18-31-74-24-0160**

**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 Richard Lovett)

Mr. Vazquez was present at the Code Hearing. He was given an additional 30 days (February 22, 2012) to obtain the business tax license or a \$250.00 fine will be imposed. He was found in non compliance.

**N. DEL-12-018**

**Hector Vazquez  
1595 Page Dr. North, Deltona, Florida 32725  
Property Address: 2225 East Dana Dr., Deltona, Florida 32738  
Parcel No.: 30-18-31-74-24-0160**

**Violation** of City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 108.1.1, which states that an unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. (Enforcement Services Officer Richard Lovett)

Mr. Vazquez was present and found to be in Non Compliance. His case is continued for 90 days (April 25, 2012) to obtain the necessary permits and execute the repairs, a Hearing to impose fine will be held at that time if not in Compliance.

**O. DEL-12-019**

**Cathy A. Clark and Alice Keffer  
1591 Providence Blvd., Deltona, Florida 32725  
Property Address: 1591 Providence Blvd., Deltona, Florida 32725  
Parcel No.: 30-18-31-55-16-0140**

**Violation** of City of Deltona Ordinance, Section 66-19(3), which states boats/trailers/recreational vehicles 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 Dennis Mues)

A Hearing to impose fine will be held on February 22, 2012, if still in Non Compliance. A tow Order will also be issued if still in Non Compliance. Order of Non Compliance was levied.

**P. DEL-12-020**

**Cathy A. Clark and Alice Keffer  
1591 Providence Blvd., Deltona, Florida 32725  
Property Address: 1591 Providence Blvd., Deltona, Florida 32725  
Parcel No.: 30-18-31-55-16-0140**

**Violation** of 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 must be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke of 0.5 inch. (Enforcement Services Officer Dennis Mues)

Withdrawn.

**Q. DEL-12-021**

**Jared C. Schmidt**

**2865 West Elston Dr., Deltona, Florida 32738**

**Property Address: 2865 West Elston Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-32-49-0050**

**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 Richard Lovett)

Order of Non Compliance with a Hearing to impose fine if still in violation at the April 25, 2012 Code Hearing.

**R. DEL-12-023**

**Derek and Cindy Villa**

**3101 Newmark Dr., Deltona, Florida 32738**

**Property Address: 3101 Newmark Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-73-09-0200**

**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 room in the garage. (Enforcement Services Officer Danny Ron)

Mr. Villa was present at the Code Hearing and was given until April 25, 2012 to come into compliance. Order of Non Compliance was levied with a possible fine issued at the April 25, 2012 Code Hearing if still in violation.

**S. DEL-12-024**

**Vanessa Sanchez Trustee**

**PO Box 8, Mayaguez, PR 00681**

**Property Address: 2658 Howland Blvd., Deltona Florida 32738**

**Parcel No.: 30-18-31-53-34-0090**

**Violation** of 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 must be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke of 0.5 inch. (Enforcement Services Officer Danny Ron)

Order of Non Compliance with a Hearing to impose fine at the February 22, 2012 Code Hearing. The address is supposed to be 2658 Howland Blvd., one number is off, they have 2698 Howland Blvd. on the property. Letter to the tenant also.

**10. OTHER BUSINESS:**

**A. DEL-12-016 Repeat of DEL-10-065**

**Susan Register**

**2641 Salters Court, Deltona, Florida 32738**

**Property Address: 2641 Salters Court, Deltona Florida 32738**

**Parcel No.: 30-18-31-43-16-0080**

**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 Richard Lovett)

A fine of \$250.00 was levied along with an Order to Abate this property.

**B. Dangerous Dog Hearing**

**Vivian Miles Johnson**

**3223 Crestwood Forest Dr., Deltona, Florida 32725**

**Property Address: 3223 Crestwood Forest Dr., Deltona, Florida 32725**

**Parcel No.: 05-18-31-19-00-1500**

**Violation** of City of Deltona Ordinance, Section(s) 767.01, dog owner's liability for damages to persons, domestic animals or livestock, 767.11, Definitions of "Dangerous dog" and 767.12, which classifies dogs as dangerous and 767.13, attack or bite by dangerous dog; penalties; confiscation; destruction (Enforcement services Officer Shanna Hogan)

A Settlement was reached between the owner's and the City Attorney. Case closed/dismissed due to this Agreement/Settlement.

**11. DISCUSSION:**

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

**12. ADJOURNMENT (6:50 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 Cino

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Hearing Clerk, Sonjia Kihlmire