

**CITY OF DELTONA, FLORIDA  
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES  
WEDNESDAY April 22, 2009**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, April 22, 2009 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
Enforcement Services Manager	Hector Garcia	Present
City Attorney	George Trovato	Present
Hearing Clerk	Sonjia Kihlmire	Present

Also present were: Enforcement Services Officers, Dwight Neumeyer, Richard Lovett, Albert Grimsley, Steve Braukhoff, Mark Gibson, Julie Hughes, Jody Palermo and Danny Ron.

**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 April 22, 2009 were approved, by Special Magistrate, Charles Cino.**

**7. ANNOUNCEMENTS:** - The Director of Enforcement Services, Dale Baker, stated under Old Business that Officer Richard Lovett stated that case #DEL-09-054 is to be continued to the May 27, 2009 Code Hearing, Officer Steve Braukhoff's case DEL-09-066 is in compliance, case DEL-09-075 and Officer Jody Palermo has continued this case to the May 27, 2009 Code Hearing. Under new Business, Officer Jody Palermo has continued case DEL-09-073 and DEL-09-074 to the May 27, 2009 Code Hearing and Officer Steve Braukhoff would like to continue DEL-09-082 until the May 27, 2009 Code Hearing.

**8. SWEARING IN OF OFFICERS AND WITNESSES:**

Special Magistrate Charles Cino swore in all that were present to testify.

**9. OLD BUSINESS:**

**A. DEL-08-217**

**Rachel M. Thompson**

**915 Rockhill St., Deltona, Florida 32725**

**Property Address: 915 Rockhill St., Deltona, Florida 32725**

**Parcel No.: 30-18-31-24-03-0180**

**Violation** of the 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. (**Enforcement Services Officer Richard Lovett**)

**Order** for \$250.00 a day, effective 4/22/09, with a cap of \$10,000.00. Respondents were not present.

**B. DEL-09-023**

**Michael & Norma Soto**

**P.O. Box 5938, Deltona, Florida 32728**

**Property Address: 3237 London Ave., Deltona Florida**

**Parcel No.: 30-18-31-35-15-0090**

**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 Danny Ron**)

**First** Amended Order of Non Compliance and a Hearing to impose fine will be June 24, 2009, if not in compliance. The Sotos appeared at the Hearing and stated they are working on the pool repairs. Officer Ron to confirm that the property is secure and if not than a Hearing to impose fine will take place May 27, 2009.

**C. DEL-09-035**

**Kevin W. & Sherry Lynn Davis**

**1752 Mayhill St., Deltona, Florida 32738-4175**

**Property Address: 1752 Mayhill St., Deltona, Florida 32738-4175**

**Parcel No.: 30-18-31-43-11-0020**

**Violation** of the 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 shed(s) on the property.  
**(Enforcement Services Officer Dwight Neumeyer)**

**Order** of compliance. Officer Neumeyer presented an Affidavit of Compliance.

**D. DEL-09-054**

**Diana Browne**

**852 Yellowbird Ave., Deltona, Florida 32725**

**Property Address: 852 Yellowbird Ave., Deltona, Florida 32725**

**Parcel No.: 30-18-31-05-67-0160**

**Violation** of the 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 your garage enclosure.  
**(Enforcement Services Officer Richard Lovett)**

Case was continued to the May 27, 2009 Code Hearing.

**E. DEL-09-062**

**Viola Shepherd**

**P.O. Box 100487, Brooklyn, NY 11210**

**Property Address: 2290 Henry Lane, Deltona, Florida**

**Parcel No.: 30-18-31-45-17-0030**

**Violation** of City of Deltona Ordinance, Section 18-5, reference 304.7, adopting the latest edition of the International Property Maintenance Code, 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** issued for a \$100.00 a day fine, effective April 22, 2009, with a cap of \$10,000.00. Respondent was not present.

**F. DEL-09-066**

**Milton F. and Christen R. Castro**

**2300 Newmark Dr., Deltona, Florida 32738**

**Property Address: 2300 Newmark Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-45-54-0460**

**Violation** of the 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 your fence. (**Enforcement Services Officer Steve Braukhoff**)

**Order** of Compliance.

**G. DEL-09-067**

**Betsy L. Whack**

**1117 Anderson St., Deltona, Florida 32725**

**Property Address: 1117 Anderson St., Deltona, Florida 32725**

**Parcel No.: 30-18-31-05-23-0030**

**Violation** of City of Deltona Ordinance, Section 18-5, reference 304.7, adopting the latest edition of the International Property Maintenance Code, 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 Dwight Neumeyer**)

**Order** issued for a fine of \$100.00 a day, effective April 22, 2009 to run until the property is in compliance or a cap of \$10,000.00 is met.

**H. DEL-09-068**

**Pablo A. and Raquel M. Lopez**

**862 Horizon St., Deltona, Florida 32725-9211**

**Property Address: 862 Horizon St., Deltona, Florida 32725-9211**

**Parcel No.: 30-18-31-24-05-0220**

**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 materials intended to be used in the fireplace or other permitted burning facilities, shall be permitted only in the rear yard to the rear of the wall of the home. (**Enforcement Services Officer Julie Hughes**)

**Compliance.**

**I. DEL-09-069**

**Kenneth J. and Deshika W. Mitchell**

**2581 Dorchester Dr., Deltona, Florida 32738**

**Property Address: 2581 East Dorchester Dr., Deltona, Florida 32738**

**Parcel No.: 30-18-31-32-34-0200**

**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 Albert Grimsley**)

**Order** issued for a fine of \$50.00 a day, effective April 22, 2009 and to continue until the property is in compliance or a \$10,000.00 cap is reached. Respondent(s) not at the Hearing.

**J. DEL-09-070**

**Kenneth J. and Deshika W. Mitchell**  
**2581 Dorchester Dr., Deltona, Florida 32738**  
**Property Address: 2581 East Dorchester Dr., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-32-34-0200**

**Violation** of the City of Deltona Ordinance, Section 18-5, reference 304.2, adopting the latest edition of the International Property Maintenance Code, 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 Albert Grimsley)**

**Order** issued for a fine of \$50.00 a day, effective April 22, 2009 and to continue until the property is in compliance or a \$10,000.00 cap is reached. Respondent(s) not at the Hearing.

**K. DEL-09-071**

**Kenneth J. and Deshika W. Mitchell**  
**2581 Dorchester Dr., Deltona, Florida 32738**  
**Property Address: 2581 East Dorchester Dr., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-32-34-0200**

**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 and sound structural condition. **(Enforcement Services Officer Albert Grimsley)**

**Order** issued for a fine of \$50.00 a day, effective April 22, 2009 and to continue until the property is in compliance or a \$10,000.00 cap is reached. Respondent(s) not at the Hearing.

**L. DEL-09-072**

**Pablo A. and Raquel M. Lopez**  
**862 Horizon St., Deltona, Florida 32725-9211**  
**Property Address: 862 Horizon St., Deltona, Florida 32725-9211**  
**Parcel No.: 30-18-31-24-05-0220**

**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)**

**Compliance.**

**M. DEL-09-075**

**Joseph Rose and Judithann Galloway**  
**1528 N. Normandy Blvd., Deltona, Florida 32725**  
**Property Address: 1528 N. Normandy Blvd., Deltona, Florida 32725**  
**Parcel No.: 30-18-31-03-32-0260**

**Violation** of City of Deltona Ordinance, Section 18-5, reference 304.7, adopting the latest edition of the International Property Maintenance Code, 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 Jody Palermo**)

**Continued.**

**10. NEW BUSINESS:**

**A. DEL-09-073**

**Joseph Rose and Judithann Galloway  
1528 N. Normandy Blvd., Deltona, Florida 32725  
Property Address: 1528 N. Normandy Blvd., Deltona, Florida 32725  
Parcel No.: 30-18-31-03-32-0260**

**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, or they must be stored in an enclosed garage. (**Enforcement Services Officer Jody Palermo**)

**Continued to May 27, 2009 Code Hearing.**

**B. DEL-09-074**

**Joseph Rose and Judithann Galloway  
1528 N. Normandy Blvd., Deltona, Florida 32725  
Property Address: 1528 N. Normandy Blvd., Deltona, Florida 32725  
Parcel No.: 30-18-31-03-32-0260**

**Violation** of the 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 on the side or rear yard. (**Enforcement Services Officer Jody Palermo**)

**Continued to May 27, 2009 Code Hearing.**

**C. DEL-09-077**

**Tomas Wong  
2173 Clearwater Dr., Deltona, Florida 32738  
Property Address: 2173 Clearwater Dr., Deltona, Florida 32738  
Parcel No.: 30-18-31-45-47-0050**

**Violation** of City of Deltona code of Ordinance, Section 66-18(h) which states that a maximum of two vehicles may be parked in the side or rear yards. (**Enforcement Services Officer Mark Gibson**)

**Respondent** found in non compliance at the time of the violation and is currently in compliance. Mr. Wong was present at the Hearing. Officer Gibson also requested an Order to abate vehicles at this property if improperly parked in the future. Request granted for abatement order and case dismissed.

**D. DEL-09-080**

**Gregory S. Bond ETALS**  
**656 San Pablo Ave., Casselberry, Florida 32707**  
**Property Address: 2580 Ludlow St., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-33-06-0060**

**Violation** of City of Deltona code of Ordinance No. 11-2007, Section 22-4, 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)**

Fine/fee of \$250.00 imposed for no Business tax license.

**E. DEL-09-081**

**Danielle Mikler**  
**3147 Mapleshade St., Deltona, Florida 32738**  
**Property Address: 3147 Mapleshade St., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-73-02-0180**

**Violation** of the 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 your fence. **(Enforcement Services Officer Danny Ron)**

**Owner's** daughter attended this Code Hearing and stated that her Mother was out of town and that they were working on obtaining a fence permit for this property. Hearing to impose fine at the June 24, 2009 Code Hearing. Time was allowed to obtain the permit.

**F. DEL-09-082**

**Donald A. Gibb**  
**PO Box 180256, Coronado, CA 92118**  
**Property Address: 1462 Randolph St., Deltona, Florida 32738**  
**Parcel No.: 30-18-31-05-38-0110**

**Violation** of the 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 your fence repairs or remove it. **(Enforcement Services Officer Steve Braukhoff)**

**Continued** to May 27, 2009 Code Hearing.

**G. DEL-09-083**

**Daniel Williams**

**1898 Van Allen Circle, Deltona, Florida 32738**

**Property Address: 1898 Van Allen Circle, Deltona, Florida 32738**

**Parcel No.: 30-18-31-36-05-0050**

**Violation** of the 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 your shed or remove it. **(Enforcement Services Officer Richard Lovett)**

**Order** of non compliance with a Hearing to impose fine at the May 27, 2009 Hearing. Inspection date for Officer Lovett is May 25, 2009.

**H. DEL-09-086**

**Juan C. and Edilia Subiry**

**PO Box 352, Deltona, Florida 32728**

**Property Address: 2955 Elkcam Blvd., Deltona, Florida**

**Parcel No.: 30-18-31-74-35-0080**

**Violation** of the City of Deltona Ordinance, Section 58-31, use of city rights-of-way. Consent is required. 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)**

**Dismissed.**

**I. DEL-09-087**

**Juan C. and Edilia Subiry**

**PO Box 352, Deltona, Florida 32728**

**Property Address: 2955 Elkcam Blvd., Deltona, Florida**

**Parcel No.: 30-18-31-74-35-0080**

**Violation** of City of Deltona code of Ordinance No. 11-2007, Section 22-4, 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)**

**Fine/fee** of \$250.00 imposed for no Business tax license.

**J. DEL-09-088**

**Patricia A. Hoff**

**PO Box 5979, Deltona, Florida 32728**

**Property Address: 1083 Tivoli Dr., Deltona, Florida**  
**Parcel No.: 30-18-31-07-43-0340**

**Violation** of City Of Deltona Ordinance, Section 66-19(3), which states that 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 Albert Grimsley**)

**Abatement** Order issued for future occurrences and the case has been Dismissed, as they are currently in compliance.

**11. REPEAT CASES:**

**12. OTHER BUSINESS:**

**A. DEL-08-125**

**JP Morgan Chase Bank**  
**National Association TR c/o EMC Mortgage Corporation**  
**2780 Lake Vista Dr., Lewisville, Texas 75067**  
**Property Address: 3216 South Dorchester Dr., Deltona, Florida**  
**Parcel No.: 30-18-31-32-35-0030**

**Violation** of the City of Deltona Ordinance, Section 18-5, which adopts the latest edition of the International Property Maintenance Code, Section 304.6, which states that all exterior walls shall be free from holes, breaks, loose or rotting surfaces and that the surfaces shall be properly coated and shall be maintained where required to prevent deterioration. (**Enforcement Services Officer Albert Grimsley**)

**Jason Searl** representing, JP Morgan Chase Bank, was requesting a recommendation for a reduction of fine. Mr. Searl requested the fine be dismissed due to the 1685 Brewton Circle case, heard in February, 2009, however the Dorchester property was not included in the previous recommendation of reduction in fine. He then suggested that at \$100.00 a day, the Bank only owned the property for seven days so the fine should only be for \$700.00.

Mr. Boden is the current owner of 3216 South Dorchester Dr., and has been responsible for bringing this property into compliance.

A recommendation was made for a reduction of fine to \$2,500.00 by the Special Magistrate. Special Magistrate Cino stated that the Commission will make a final judgment on this reduction and he would not say who is responsible for this fine. Mr. Searl is not accepting any obligation for this fine for his client. Mr. Baker stated he will forward this recommendation to the Commission when the past or current owners accept responsibility for this fine.

**13. DISCUSSION:**

**A) By the Special Magistrate**

**B) By the Enforcement Services Director**

**14. 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:**

---

**Sonjia Kihlmire, Hearing Clerk**