

**CITY OF DELTONA, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING MINUTES
WEDNESDAY August 26, 2009**

The Regular meeting of the Special Magistrate Code Enforcement Hearing was held on Wednesday, August 26, 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 Manager	Hector Garcia	Present
Hearing Clerk	Heather Brooke	Present

Also present were: Enforcement Services Officers, Dennis Mues, Julie Hughes, Richard Lovett, Lonnie Wilson, Albert Grimsley, 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 June 24, 2009 were approved, by Special Magistrate, Charles Cino.

7. ANNOUNCEMENTS: - The Manager of Enforcement Services, Hector Garcia, stated under New Business he would like to withdraw case #DEL-09-126 and #DEL-09-137.

8. SWEARING IN OF OFFICERS AND WITNESSES:

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

9. OLD BUSINESS:

- A. DEL-09-096
Ernesto and Margarita Henao
10515 Azalea Dr., Port Richey, Florida 34668**

Property Address: 1158 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-07-61-0020

Violation of City of Deltona Ordinance No. 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 Albert Grimsley)**

Lis Pendens filed 8/14/09 – No action taken, case to be monitored.

B. DEL-09-098

Ernesto and Margarita Henao
10515 Azalea Dr., Port Richey, Florida 34668
Property Address: 1158 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-07-61-0020

Violation of City of Deltona Ordinance, Section 18-5, reference 304.2, adopting the latest edition of the International Property Maintenance Code, which states that exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences. Surfaces shall be kept in sound working condition and maintained in good repair. **(Enforcement Services Officer Albert Grimsley)**

Compliance met. Order of Compliance

C. DEL-09-099

Ernesto and Margarita Henao
10515 Azalea Dr., Port Richey, Florida 34668
Property Address: 1158 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-07-61-0020

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 and roof water shall not be discharged in a manor that creates a public nuisance. **(Enforcement Services Officer Albert Grimsley)**

Lis Pendens filed 8/14/09 – No action taken, case to be monitored.

D. DEL-09-101

Ernesto and Margarita Henao
10515 Azalea Dr., Port Richey, Florida 34668
Property Address: 1158 Tivoli Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-07-61-0020

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 and walls, shall be maintained and kept in good repair. (Enforcement Services Officer Albert Grimsley)

Lis Pendens filed 8/14/09 – No action taken, case to be monitored.

E. DEL-09-102

Edwin Encarnacion

2400 Eldridge St., Deltona, Florida 32738

Property Address: 2400 Eldridge St., Deltona, Florida 32738-1837

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

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 or an extension for your permit. (Enforcement Services Officer Danny Ron)

Order of Compliance signed.

F. DEL-09-106

Bernard & Lasandra Joseph

566 Tyler Ave., Deltona, Florida 32725-8338

Property Address: 566 Tyler Ave., Deltona, Florida 32725-8338

Parcel No.: 30-18-31-05-21-0210

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 and roof water shall not be discharged in a manner that creates a public nuisance. (Enforcement Services Officer Dwight Neumeyer) (Albert Grimsley)

Respondents were present. Order of Non-Compliance case continued to 11/24/09 hearing.

10. NEW BUSINESS:

A. DEL-09-120

Norman C. Grenier TTEE

c/o Ronald N. & Lisa Grenier PUC

1593 Rockwell Heights Dr., Deland, Florida 32724

Property Address: 1007 Davenport Dr., Deltona, Florida

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

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)

Ronald Grenier present. Order of Non-Compliance hearing to impose fine set for 9/23/09.

B. DEL-09-121

**Tammie Lynn Kreuter
1043 Swanson Dr., Deltona, Florida 32738-6637
Property Address: 1043 Swanson Dr., Deltona, Florida 32738-6637
Parcel No.: 30-18-31-17-04-0110**

Violation of City of Deltona Ordinance, Section 18-5, reference 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 Albert Grimsley**)

Order of Non-Compliance, Officer Grimsley to re-inspect 9/21/09, if still in Non-Compliance, hearing to impose fine set for 9/23/09.

C. DEL-09-122

**Tammie Lynn Kreuter
1043 Swanson Dr., Deltona, Florida 32738-6637
Property Address: 1043 Swanson Dr., Deltona, Florida 32738-6637
Parcel No.: 30-18-31-17-04-0110**

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 and walls, shall be maintained and kept in good repair. (**Enforcement Services Officer Albert Grimsley**)

Order of Non-Compliance, Officer Grimsley to re-inspect 9/21/09, if still in Non-Compliance, hearing to impose fine set for 9/23/09.

D. DEL-09-123

**Tammie Lynn Kreuter
1043 Swanson Dr., Deltona, Florida 32738-6637
Property Address: 1043 Swanson Dr., Deltona, Florida 32738-6637
Parcel No.: 30-18-31-17-04-0110**

Violation of City of Deltona Ordinance, Section 18-5, reference 304.3, adopting the latest edition of the International Property Maintenance Code, 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 shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4" high with a minimum stroke width of 0.5 inch. (**Enforcement Services Officer Albert Grimsley**)

Order of Non-Compliance, Officer Grimsley to re-inspect 9/21/09, if still in Non-Compliance, hearing to impose fine set for 9/23/09.

E. DEL-09-125

Norman C. Grenier TTEE

**c/o Ronald N. & Lisa Grenier PUC
1593 Rockwell Heights Dr., Deland, Florida 32724
Property Address: 1007 Davenport Dr., Deltona, Florida
Parcel No.: 30-18-31-11-50-0010**

Violation of City of Deltona Ordinance, 66-20, which states motor vehicles shall not be parked or stored 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 a driveway extension. **(Enforcement Services Officer Danny Ron)**

**Ronald Grenier present. Order of Non-Compliance, hearing to impose fine 9/23/09.
Officer Ron to re-inspect on 9/19/09.**

F. DEL-09-126

**Norman C. Grenier TTEE
c/o Ronald N. & Lisa Grenier PUC
1593 Rockwell Heights Dr., Deland, Florida 32724
Property Address: 1007 Davenport Dr., Deltona, Florida
Parcel No.: 30-18-31-11-50-0010**

Violation of City of Deltona Ordinance, 66-16, which states that the purpose of this section, “right of way” is defined as that area from the property line to the edge of the pavement of a roadway, including any grassy or unpaved median between two paved areas. It shall be unlawful for a person to park any motor vehicle in or on a right-of-way unless the motor vehicle is parked headed in the direction of traffic. **(Enforcement Services Officer Danny Ron)**

Case withdrawn.

G. DEL-09-127

**Norman C. Grenier TTEE
c/o Ronald N. & Lisa Grenier PUC
1593 Rockwell Heights Dr., Deland, Florida 32724
Property Address: 1007 Davenport Dr., Deltona, Florida
Parcel No.: 30-18-31-11-50-0010**

Violation of City of Deltona Ordinance, 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 Danny Ron)**

**Ronald Grenier present. Order of Non-Compliance, hearing to impose fine 9/23/09.
Officer Ron to re-inspect on 9/19/09.**

H. DEL-09-128

**Ann Nash
2560 Howland Blvd., Deltona, Florida 32738**

Property Address: 3130 Cabot Court, Deltona, Florida
Parcel No.: 30-18-31-32-99-0410

Violation City of Deltona Ordinance, Section 110-807(7), which states that no vehicular traffic shall be generated by the home occupation in greater volumes than would normally be generated by the dwelling unit. **(Enforcement Services Officer Richard Lovett)**

Ann Nash owner, Robert & Kizzy Griffin tenants
Michael & Susan Armon witness/neighbor
Lindsey Nash witness/neighbor present.

Mr. Armon gave folder of evidence. Case continued to 9/23/09.

I. DEL-09-129

Dominic Lattanzio
26 Spring Ridge Dr., DeBary, Florida 32713
Property Address: 730 Cloverleaf Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-20-26-0180

Violation of City of Deltona Ordinance, 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 Julie Hughes)**

Dominic Lattanzio father & Dominica Lattanzio daughter present, found in Non-Compliance case dismissed.

J. DEL-09-130

Dominic Lattanzio
26 Spring Ridge Dr., DeBary, Florida 32713
Property Address: 730 Cloverleaf Blvd., Deltona, Florida 32725
Parcel No.: 30-18-31-20-26-0180

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)**

Dominic Lattanzio & Dominica daughter present, found in Non-Compliance case dismissed.

K. DEL-09-133

Peter and Gloria Pottinger JTRS
1433 Drysdale Dr., Deltona, Florida 32725
Property Address: 1433 Drysdale Dr., Deltona, Florida 32725
Parcel No.: 30-18-31-09-33-0140

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 and walls, shall be maintained and kept in good repair. **(Enforcement Services Officer Lonnie Wilson)**

Dwayne Dole broker from Primary Realty obo Homeowner, Brian York owner of corner home/neighbor, Arthur handyman present. Found in Non-Compliance, hearing to impose fine will be held on 9/23/09.

L. DEL-09-137

**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 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 Julie Hughes)**

Case withdrawn.

M. DEL-09-139

**Susan G. Laureano and Ada Santiago JTWROS
3016 Kirkland St., Deltona, Florida 32738
Property Address: 3016 Kirkland St., Deltona, Florida 32738
Parcel No.: 30-18-31-32-11-0110**

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. Grey Dodge van with FL tag #YE8UF, registered to Melissa Blair McCauley from 345 2nd St SE, Winter Haven, FL 33880-3508, parked improperly on front lawn. **(Enforcement Services Officer Danny Ron)**

Vehicle removed, case dismissed.

N. DEL-09-140

**Charles Norman Boudreau
541 Keystone Terrace, Deltona, Florida 32725
Property Address: 3007 Foxboro Circle, Deltona, Florida
Parcel No.: 30-18-31-39-06-0080**

Violation of City of Deltona Ordinance, 66-20, which states motor vehicles shall not be parked or stored 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 a driveway extension. **(Enforcement Services Officer Lonnie Wilson)**

Found in Non-Compliance, hearing to impose fine will be held 9/23/09.

O. DEL-09-141

Christina R. Girst

899 East Lehigh Drive, Deltona, Florida 32738

Property Address: 899 East Lehigh Dr., Deltona, Florida 32738

Parcel No.: 30-18-31-11-13-0050

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 dock. **(Enforcement Services Officer Dennis Mues)**

Case continued to 9/23/09 hearing.

11. OTHER BUSINESS:

A. DEL-06-028

Jean Young

706 Vardon Ave., Deltona, Florida 32738

Property Address: 706 Vardon Ave., Deltona, Florida 32738

Parcel No.: 30-18-31-62-12-0200

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 and roof water shall not be discharged in a manner that creates a public nuisance.**(Enforcement Services Officer Dennis Mues)**

Mr. Dean Montgomery is the new/current owner of this property and would like to have the Special Magistrate recommend a reduction in the current fine of \$5,000.00.

Mr. Montgomery present. A recommendation was made for a reduction of fine to \$1,000.00 by the Special Magistrate. Enforcement Service Manager stated it could be placed on the 2nd Meeting set in September which is 9/21/09 Agenda.

13. DISCUSSION:

A) By the Special Magistrate

B) By the Enforcement Services Director

14. ADJOURNMENT: Meeting adjourned at 7:00pm

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:

Heather Brooke, Hearing Clerk