

City of DeLand



Condemnation Special Magistrate

J. Zolty Special Magistrate

October 26, 2023
Hearing Minutes

DeLand City Hall
City Commission Chambers
120 S. Florida Avenue, DeLand, Florida

- A. **CALL TO ORDER AT 4:00 PM**
- B. **PLEDGE OF ALLEGIANCE**
- C. **FORMAT FOR PROCEEDINGS**
- D. **APPROVAL OF MINUTES**
No action items
- E. **SWEARING IN OF WITNESSES:**
Bethzaida Delgado, Code Enforcement Officer
Richard Lovett, Code Enforcement Manager
Amber Parker, Code Enforcement Officer
Larry Hites, Chief Building Official
Eric Orberg, Respondent
Melissa Hale, Representative
Darcel Ashley, Respondent
Ms Bolton, Bank Representative

OTHERS PRESENT:

Julie Zolty, Special Magistrate
Darren Elkind, City Attorney

- F. **NEW BUSINESS**

Order of Condemnation

Case # CE23-0429

Location: 215 S Frankfort Ave

Respondent: Billy Ray & Julie Lee Jackson

Description: The property contains an unsafe building that is dilapidated, unsanitary, in an unsafe condition and is a public nuisance.

Violation: City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances.

Parcel ID: 701615010130

Zoning: R-1

Code Enforcement: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Lovett testified that the building is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. Deputy Building Official Larry Hites also testified the structure is unsafe and needs to be condemned.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Ordered the property is in violation. The property is to come into compliance on or before 5:00 p.m. December 11, 2023, or the Magistrate will sign an order of abatement or condemnation unless the violation(s) is corrected.

Case # CE23-0486

Location: 327 S Delaware Ave

Respondent: Shavin Whitted

Description: The property contains an unsafe building that is dilapidated, unsanitary, in an unsafe condition and is a public nuisance.

Violation: City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances.

Parcel ID: 701710150070

Zoning: R-1

Code Enforcement: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Lovett testified that the building is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. Deputy Building Official Larry Hites also testified the structure is unsafe and needs to be condemned.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Ordered the property is in violation. The property is to come into compliance on or before 5:00 p.m. December 11, 2023, or the Magistrate will sign an order of abatement or condemnation unless the violation(s) is corrected.

Case # CE23-0518

Location: 517 E Walts Ave

Respondent: Isaac White

Description: The property contains an unsafe building that is dilapidated, unsanitary, in an unsafe condition and is a public nuisance.

Violation: City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances.

Parcel ID: 701623000190

Zoning: R-2

Code Enforcement: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Lovett testified that the building is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. Deputy Building Official Larry Hites also testified the structure is unsafe and needs to be condemned.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Ordered the property is in violation. The property is to come into compliance on or before 5:00 p.m. December 11, 2023, or the Magistrate will sign an order of abatement or condemnation unless the violation(s) is corrected.

Case # CE23-0519

Location: 211 Luella Ct

Respondent: Eric & Joan Orberg

Description: The property contains an unsafe building that is dilapidated, unsanitary, in an unsafe condition and is a public nuisance.

Violation: City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances.

Parcel ID: 700907000060

Zoning: C-2A

Code Enforcement: Richard Lovett

Appearing Respondent: Eric Orberg

DeLand Testimony: Officer Lovett testified that the building is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. Deputy Building Official Larry Hites also testified the structure is unsafe, there is water intrusion and it is getting worse.

Respondent Testimony: Mr. Orberg stated there is a tarp up on the roof so water cant get in. Mr. Orber also agreed the structure does need repairs, but his health is not the best and it is getting worse. Mr Orberg is trying to sell the property as well. He has been speaking with Marty Vogel Jr. for five years about buying the property, and says it should take 6 months to complete repairs.

Magistrate's Finding: Ordered the property is in violation. The property is to come into compliance on or before 5:00 p.m. December 11, 2023, or the Magistrate will sign an order of abatement or condemnation unless the violation(s) is corrected.

Case # CE23-0521

Location: 933 Longview Ave

Respondent: William E & Frances B Hale

Description: The property contains an unsafe building that is dilapidated, unsanitary, in an unsafe condition and is a public nuisance.

Violation: City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances.

Parcel ID: 702021000310

Zoning: R-1

Code Enforcement: Richard Lovett

Appearing Representative: Melissa Hale, Daughter

DeLand Testimony: Officer Lovett testified that the building is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary

public nuisances. Deputy Building Official Larry Hites also testified the structure is unsafe and needs to be condemned.

Representative Testimony: Ms. Hale testified the family is trying to sell the property.

Magistrate's Finding: Ordered the property is in violation. The property is to come into compliance on or before 5:00 p.m. December 11, 2023, or the Magistrate will sign an order of abatement or condemnation unless the violation(s) is corrected.

Case # CE23-0401

Location: 717 E Walts Ave

Respondent: Ruby Ashley

Description: The property contains an unsafe building that is dilapidated, unsanitary, in an unsafe condition and is a public nuisance.

Violation: City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances.

Parcel ID: 701515050160 **Zoning:** R-1

Code Enforcement: Richard Lovett

Appearing Representative: Darcel Ashley, Son

DeLand Testimony: Officer Lovett testified that the building is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. Deputy Building Official Larry Hites also testified the structure is unsafe and needs to be condemned.

Representative Testimony: Mr. Ashley stated it is only the back of the structure that needs to be repaired and not the front. He said he will need a month to come into compliance.

Magistrate's Finding: Ordered the property is in violation. The property is to come into compliance on or before 5:00 p.m. December 11, 2023, or the Magistrate will sign an order of abatement or condemnation unless the violation(s) is corrected.

Case # CE23-0470

Location: 519 E Voorhis Ave

Respondent: Ruby Ashley

Description: The property contains an unsafe building that is dilapidated, unsanitary, in an unsafe condition and is a public nuisance.

Violation: City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances.

Parcel ID: 701618000210 **Zoning:** R-2

Code Enforcement: Richard Lovett

Appearing Representative: Darcel Ashley, Son

DeLand Testimony: Officer Lovett testified that the building is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. Deputy Building Official Larry Hites also testified the structure is unsafe and needs to be condemned.

Representative Testimony: Mr. Ashley stated he believes the structure can be repaired and does not need to be removed, however he will try to get the structure demolished and will keep in communication with Richard if he needs an extension.

Magistrate's Finding: Ordered the property is in violation. The property is to come into compliance on or before 5:00 p.m. December 11, 2023, or the Magistrate will sign an order of abatement or condemnation unless the violation(s) is corrected.

Case # CE23-0500

Location: 548 W Euclid Ave

Respondent: Ruby Ashley

Description: The property contains an unsafe building that is dilapidated, unsanitary, in an unsafe condition and is a public nuisance.

Violation: City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances.

Parcel ID: 701725010090

Zoning: R-1

Code Enforcement: Richard Lovett

Appearing Representative: Darcel Ashley, Son

DeLand Testimony: Officer Lovett testified that the building is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. Deputy Building Official Larry Hites also testified the structure is unsafe and needs to be condemned. Mr Hites stated the structure has lost integrity from water damage.

Representative Testimony: Mr. Ashley stated there is no water damage in the front only in the back. He has boarded up the property three times due to repeated vandalism.

Magistrate's Finding: Ordered the property is in violation. The property is to come into compliance on or before 5:00 p.m. December 11, 2023, or the Magistrate will sign an order of abatement or condemnation unless the violation(s) is corrected.

Case # CE23-0517

Location: 1020 E Howry Ave

Respondent: Duane E Makowski

Description: The property contains an unsafe building that is dilapidated, unsanitary, in an unsafe condition and is a public nuisance.

Violation: City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances.

Parcel ID: 701507030320 **Zoning:** R-1

Code Enforcement: Richard Lovett

Appearing Representative: Ms. Bolton, Bank Representative

DeLand Testimony: Officer Lovett testified that the building is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. Deputy Building Official Larry Hites also testified the structure is unsafe and needs to be condemned.

Representative Testimony: Ms. Bolton stated she will inform the owners.

Magistrate's Finding: Ordered the property is in violation. The property is to come into compliance on or before 5:00 p.m. December 11, 2023, or the Magistrate will sign an order of abatement or condemnation unless the violation(s) is corrected.

G. OLD BUSINESS

I. Order Imposing Fine/Lien

No action items

II. Continued Cases

No action items

III. Order of Compliance

No action items

IV. Lien Reduction

No action items

H. NEXT MEETING DATE — December 14, 2023

I. ADJOURNMENT @ 5:12 PM