

City of DeLand



Code Enforcement 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 5:12 PM**
- B. **PLEDGE OF ALLEGIANCE**
- C. **FORMAT FOR PROCEEDINGS**
- D. **APPROVAL OF MINUTES**
September 28, 2023
- E. **SWEARING IN OF WITNESSES:**
Richard Lovett, Code Enforcement Manager
Amber Parker, Code Enforcement Officer
Larry Hites, Chief Building Official
Jamie Lunsford, Fire Inspector
Earl Scroggins, Representative
Eric Orberg, Respondent
Pieter Ambachtsheer, Respondent

OTHERS PRESENT:

Julie Zolty, Special Magistrate
Darren Elkind, City Attorney

- F. **NEW BUSINESS**

Finding of Facts, Conclusions of Law Order

Case # CE22-0275

Location: 918 E Minnesota Ave

Respondent: Rena McPherron

Description: Eleven windows were installed without a permit.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section 2, Local Supplement to the Florida Building Code, Administration, Section 105, Permits, Subsection 105.1, Required.

Parcel ID: 701014010090 **Zoning:** R-1B

Code Enforcement: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Case withdrawn, no orders signed

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Case withdrawn.

Case # CE23-0387

Location: Cassadaga Rd

Respondent: Pieter C. Ambachtsheer and Kathy C. Ambachtsheer, As Trustees, Under The Pieter C. Ambachtsheer and Kathy C. Ambachtsheer Revocable Trust Agreement, and Michael Lane

Description: The property contains an unpermitted and prohibited barbed wire fence on a parcel without a permitted principal development.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section 2, Local Supplement to the Florida Building Code, Administration, Section 105, Permits, Subsection 105.1, Required, Chapter 33, Section 28.06, Fences and Walls. (h) Prohibited materials, and Chapter 33, Section 27.04, Outdoor storage or display of personal property in various zoning districts. (a) General requirements.

Parcel ID: 810603030010

Zoning: PD

Code Enforcement: Amber Parker

Appearing Respondent: Pieter Ambachtsheer

DeLand Testimony: Officer Parker testified that as of October 24, 2023, the property has not come into compliance, she recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 7, Section 2, Local Supplement to the Florida Building Code, Administration, Section 105, Permits, Subsection 105.1, Required, Chapter 33, Section 28.06, Fences and Walls. (h) Prohibited materials, and Chapter 33, Section 27.04, Outdoor storage or display of personal property in various zoning districts. (a) General requirements. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on December 11, 2023, or a fine of \$250.00 per day should be imposed beginning on December 12, 2023, and continue until said violation(s) is corrected.

Respondent Testimony: Mr. Ambachtsheer stated he has been in DeLand since 1964 and he is a Stetson graduate. He obtained the property in 1980, and does not understand why he cannot have a gate on the property.

Magistrate's Finding: The case is continued to the December 14, 2023, hearing to allow for the Respondent to obtain a variance and/or permit to gain compliance.

Case # CE23-0403

Location: 125 N Clara Ave

Respondent: 3rd Gen Investing, LLC

Description: A building renovation was completed without the required permits.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section 2, Local Supplement to the Florida Building Code, Administration, Section 105, Permits, Subsection 105.1, Required.

Parcel ID: 700962000082

Zoning: R-1A

Code Enforcement: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of October 11, 2023, the property has not come into compliance, she recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 7, Section 2, Local Supplement to the Florida Building Code, Administration, Section 105, Permits, Subsection 105.1, Required. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on December 11, 2023, or a fine of \$200.00 per day should be imposed beginning on December 12, 2023, and continue until said violation(s) is corrected.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on December 11, 2023, or a fine of \$200.00 per day shall be imposed as of December 12, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for December 14, 2023.

Case # CE23-0543

Location: 920 N Spring Garden Ave

Respondent: SAS Spring Arbor Managers LLC

Description: The plumbing fixtures, mechanical appliances, handrails and guards are not being maintained and in a safe working condition. The business is also operating without the required Business Tax Receipt.

Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 5, Section 504.1, General. Plumbing, Chapter 5, Section 504.3, Plumbing system hazards, International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 6, Section 603.1, Mechanical appliances, International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 3, Section 304.12, Handrails and guards, and Chapter 17, Section 17-1001, Required.

Parcel ID: 700600000381

Zoning: PD

Code Enforcement: Amber Parker

Appearing Representative: Earl Scroggins

DeLand Testimony: Officer Parker testified that as of October 25, 2023, the property has not come into compliance, she recommended that the property is in violation of City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 5, Section 504.1, General. Plumbing, Chapter 5, Section 504.3, Plumbing system hazards, International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 6, Section 603.1, Mechanical appliances, International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 3, Section 304.12, Handrails and guards, and Chapter 17,

Section 17-1001, Required. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on December 11, 2023, or a fine of \$250.00 per day should be imposed beginning on December 12, 2023, and continue until said violation(s) is corrected.

Representative Testimony: Mr. Scroggins stated he is working on obtaining a mechanical contractor to repair the air condition systems. He stated the air conditioners are “hydro systems” so it is taking a little longer to find a contractor familiar with these types of system. He was notified by the company of the issues only 7 or 8 weeks ago, and immediately started to work on them.

Magistrate’s Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on December 11, 2023, or a fine of \$250.00 per day shall be imposed as of December 12, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for December 14, 2023.

Case # CE23-0544

Location: 920 N Spring Garden Ave

Respondent: SAS Spring Arbor Managers LLC

Description: The fire sprinkler systems are not in good repair, the Fire Alarm Systems are not being maintained in accordance with the applicable codes, carbon monoxide detectors are not installed along with the smoke detectors, the fire extinguishers are not certified, not all egresses allow for proper access, and the clothes dryers are not clean, maintained and free of excessive accumulations of lint.

Violation: City of DeLand Code of Ordinances; Chapter 12, Section 12-1, Florida Fire Prevention Code Adopted by Reference, 7th Edition of the Florida Fire Prevention Code NFPA 24, 25, NFPA 101-9.6.1.3, NFPA 101-31.3.4.5, NFPA 10-73.1.1, NFPA 101-7.1.10, 7.1.10.2.1, and NFPA 1-11.5.11.1.

Parcel ID: 700600000381

Zoning: PD

Code Enforcement: Amber Parker

Appearing Representative: Earl Scroggins

DeLand Testimony: Officer Parker testified that as of October 25, 2023, the property has not come into compliance, she recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 12, Section 12-1, Florida Fire Prevention Code Adopted by Reference, 7th Edition of the Florida Fire Prevention Code NFPA 24, 25, NFPA 101-9.6.1.3, NFPA 101-31.3.4.5, NFPA 10-73.1.1, NFPA 101-7.1.10, 7.1.10.2.1, and NFPA 1-11.5.11.1. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on December 11, 2023, or a fine of \$250.00 per day should be imposed beginning on December 12, 2023, and continue until said violation(s) is corrected.

Fire Inspector Testimony: Mr. Lunsford stated the complex is on fire watch until the alarms are working properly.

Representative Testimony: Mr. Scroggins stated the modules were out of stock, but have since been ordered. Once they come in, they can be installed, therefore fixing the fire violations.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on December 11, 2023, or a fine of \$250.00 per day shall be imposed as of December 12, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for December 14, 2023.

Case # CE23-0549

Location: 920 N Spring Garden Ave

Respondent: SAS Spring Arbor Managers LLC

Description: The backflow prevention assemblies have not been tested and reported as required per the code.

Violation: City of DeLand Code of Ordinances; Chapter 30, Section 30-57, Cross connection control program, Subsection 4.5, (a) Testing of Backflow Prevention Assemblies.

Parcel ID: 700600000381

Zoning: PD

Code Enforcement: Amber Parker

Appearing Representative: Earl Scroggins

DeLand Testimony: Officer Parker testified that as of October 25, 2023, the property has not come into compliance, she recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 30, Section 30-57, Cross connection control program, Subsection 4.5, (a) Testing of Backflow Prevention Assemblies. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on December 11, 2023, or a fine of \$250.00 per day should be imposed beginning on December 12, 2023, and continue until said violation(s) is corrected.

Representative Testimony: Mr. Scroggins stated he is waiting on the contractor to upload the backflow reports.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on December 11, 2023, or a fine of \$250.00 per day shall be imposed as of December 12, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for December 14, 2023.

G. OLD BUSINESS

I. Order Imposing Fine/Lien

Case # CE23-0367

Location: 211 Luella Ct

Respondent: Eric Orberg & Joan D. Orberg

Description: The property has a damaged, tarped roof and contains a dangerous structure by way of deterioration or neglect.

Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, 304.1, General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare, 304.1.1, Unsafe conditions, 301.3, Vacant structures and land, 304.6, Exterior walls, and 304.7, Roofs and drainage.

Parcel ID: 700907000060

Zoning: C-2A

Code Enforcement Officer: Amber Parker

Appearing Respondent: Eric Orberg

DeLand Testimony: Officer Parker requested to continue the imposition of fines to the January hearing, to allow the owners to come into compliance.

Respondent Testimony: Aggred to a continuance.

Magistrate's Finding: Continued case to January 25, 2023 hearing.

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 @ 6:05 PM