

City of DeLand



Condemnation Special Magistrate

J. Zolty Special Magistrate

December 14, 2023
Hearing Minutes

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

A. **CALL TO ORDER AT 2:02 PM**

B. **PLEDGE OF ALLEGIANCE**

C. **FORMAT FOR PROCEEDINGS**

D. **APPROVAL OF MINUTES**
October 26, 2023

E. **SWEARING IN OF WITNESSES:**
Richard Lovett, Code Enforcement Manager
Amber Parker, Code Enforcement Officer
Bethzaida Delgado, Code Enforcement Officer
Larry Hites, Chief Building Official
Darcell Ashley, Representative
Samuel Goodwin, Representative

OTHERS PRESENT:
Julie Zolty, Special Magistrate
Darren Elkind, City Attorney

F. **OLD BUSINESS**

I. Order to Demolish / Impose Fines

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: Darcell Ashley

DeLand Testimony: Officer Lovett testified that as of December 12, 2023, the property has not come into compliance. The property is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. The City recommends the demolition and removal of dilapidated structure.

Representative Testimony: Mr. Ashley stated he has plans on demolishing the structure when he has the finances for it. He also stated that the cost for the demo will be \$20,000.00. Mr. Ashley also stated he will have this done by June 01, 2024.

Magistrate's Finding: The property remains in violation. An order of Demolition on the Property and removal from the Property of all debris and other items, together with the costs of these proceedings, shall be a lien upon the Property.

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 as of December 12, 2023, the property has not come into compliance. The property is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. The City recommends the demolition and removal of dilapidated structure.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: The property remains in violation. An order of Demolition on the Property and removal from the Property of all debris and other items, together with the costs of these proceedings, shall be a lien upon the Property.

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: Darcell Ashley

DeLand Testimony: Officer Lovett testified that as of December 12, 2023, the property has not come into compliance. The property is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. The City recommends the demolition and removal of dilapidated structure.

Representative Testimony: Mr Ashley stated he has no objection to the order.

Magistrate's Finding: The property remains in violation. An order of Demolition on the Property and removal from the Property of all debris and other items, together with the costs of these proceedings, shall be a lien upon the Property.

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: Darcell Ashley

DeLand Testimony: Officer Lovett testified that as of December 12, 2023, the property has not come into compliance. The property is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. The City recommends the demolition and removal of dilapidated structure.

Representative Testimony: Mr. Ashely stated he can not afford to demolish the structure.

Magistrate's Finding: The property remains in violation. An order of Demolition on the Property and removal from the Property of all debris and other items, together with the costs of these proceedings, shall be a lien upon the Property.

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 as of December 12, 2023, the property has not come into compliance. The property is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. The City recommends the demolition and removal of dilapidated structure.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: The property remains in violation. An order of Demolition on the Property and removal from the Property of all debris and other items, together with the costs of these proceedings, shall be a lien upon the Property.

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 Respondent: Did not appear.

DeLand Testimony: Officer Lovett testified that as of December 12, 2023, the property has not come into compliance. The property is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6 (c)(3). Sanitary public nuisances. The City recommends the demolition and removal of dilapidated structure.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: The property remains in violation. An order of Demolition on the Property and removal from the Property of all debris and other items, together with the costs of these proceedings, shall be a lien upon the Property.

II. **Order of Compliance**

No action items

III. **Continued Cases**

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 requested that the case be continued to the January 30, 2024 hearing.

Respondent Testimony: did not appear for testimony.

Magistrate's Finding: The case was continued to the January 30, 2024 hearing.

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 Respondent: Did not appear.

DeLand Testimony: Officer Lovett requested that the case be continued to the January 30, 2024 hearing.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: The case was continued to the January 30, 2024 hearing.

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: Did not appear.

DeLand Testimony: Officer Lovett requested that the case be continued to the January 30, 2024 hearing.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: The case was continued to the January 30, 2024 hearing.

IV. **Lien Reduction**

No action items

G. **NEW BUSINESS**

I. **Order of Condemnation**

Case # CE23-0498

Location: 246 E Howry Ave

Respondent: Alice Lee Goodwin

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: 701616120030 **Zoning:** C-2

Code Enforcement: Richard Lovett

Appearing Representative: Samuel Goodwin, Brother

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. Goodwin stated it is expensive to remove the asbestos shingles. A contractor told him the structure can be repaired. Also stated the property is for sale and listed with Swann Reality. Mr. Goodwin asked for more time due to the fact the County does not offer any type of financial assistance.

Magistrate's Finding: Ordered the property is in violation. The property is to come into compliance on or before 5:00 p.m. January 25, 2024, or the Magistrate will sign an order of abatement or condemnation unless the violation(s) is corrected.

H. NEXT MEETING DATE — January 30, 2024

I. ADJOURNMENT @ 2:46 PM