

City of DeLand



Code Enforcement 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 5:01 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

Eric Hoffmen, Representative

Virginia Turner, Representative

OTHERS PRESENT:

Julie Zolty, Special Magistrate

Matthew Branz, City Attorney

F. **NEW BUSINESS**

Finding of Facts, Conclusions of Law Order

Case # CE23-0501

Location: 414 S Clara Ave

Respondent: Eugene Collier III

Description: The premises contains yard trash, rubble, debris and grass or weeds in excess of 12 inches tall, therefore not being kept clean and sanitary.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 16-30, Lot Maintenance, (3) Nuisance Declared, Chapter 16, Section 16-4, Lots, premises, and Chapter 16, Section 16-5, Unsanitary lots declared nuisance.

Parcel ID: 701743000390

Zoning: R-1

Code Enforcement: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of December 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 16, Section 16-30, Lot Maintenance, (3) Nuisance Declared, Chapter 16, Section 16-4, Lots, premises, and Chapter 16, Section 16-5, Unsanitary lots declared nuisance. The Respondent(s) shall be ordered to correct the above code violation(s) on or before

5:00 p.m. on January 25, 2024, or a fine of \$150.00 per day should be imposed beginning on January 26, 2024, 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 January 25, 2024, or a fine of \$150.00 per day shall be imposed as of January 26, 2024, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for January 30, 2024.

Case # CE23-0539

Location: W Walts Ave

Respondent: Marlene M Wright

Description: The property contains discarded personal property, waste, yard trash, rubble and debris, therefore not being maintained or kept clean.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 16-30, Lot Maintenance, (3) Nuisance Declared, Chapter 16, Section 16-4, Lots, premises, and Chapter 21, Section 21-01, Abandoned, Junked, Discarded Personal Property. (2) Keeping, Storing, etc.

Parcel ID: 701710150220

Zoning: R-1

Code Enforcement: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of December 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 16, Section 16-30, Lot Maintenance, (3) Nuisance Declared, Chapter 16, Section 16-4, Lots, premises, and Chapter 21, Section 21-01, Abandoned, Junked, Discarded Personal Property. (2) Keeping, Storing, etc. 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 \$150.00 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 January 25, 2024, or a fine of \$150.00 per day shall be imposed as of January 26, 2024, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for January 30, 2024.

G. OLD BUSINESS

I. Order Imposing Fine/Lien

No action items

II. Continued Cases

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 Officer: Amber Parker

Appearing Representative: Virginia Turner

DeLand Testimony: Officer Parker requested the case to be continued to the January 30, 2024 hearing to allow time for the owner to gain compliance.

Representative Testimony: Ms. Turner stated they are in the process of applying for permits to replace 26 HVAC systems that will be completed within the next couple of months.

Richard Lovett: Mr. Lovett, Code Enforcement Manager amended the City's recommendation, and requested for the case to be continued to April 25, 2024 hearing due to amount of units to be replaced and inspected. All units must be installed and final inspection completed or fines will be retroactive back to compliance date of December 12, 2023.

Magistrate's Finding: The case was continued to the April 25, 2024 hearing with the stipulation that all units must be installed and final inspection completed or fines will be retroactive back to compliance date of December 12, 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 Officer: Amber Parker

Appearing Representative: Virginia Turner

DeLand Testimony: Officer Parker requested the case to be continued to the January 30, 2024 hearing to allow time for the owner to gain compliance.

Representative Testimony: Ms. Turner stated they have ordered two more parts that are needed to repair the issue for building 14 & 7. Also stated they are on daily fire watch with The City Fire Department.

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

III. **Order of Compliance**

Case # CE22-0282

Location: 409 N Boundary Ave

Respondent: Fame Properties LLC

Description: Construction work at the property continues to be performed without the required permits, and said work has caused the structure to become unsafe.

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 and International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 1, Section 108.1.5, Dangerous structure or premises.

Parcel ID: 700962000090 **Zoning:** C-2A&H

Code Enforcement Officer: Amber Parker

Appearing Representative: Eric Hoffman

DeLand Testimony: Property was brought into compliance as of December 11, 2023, no fine due.

Respondent Testimony: Mr. Hoffman agreed with Order of Compliance and had no comment.

Magistrate's Finding: Order of Compliance entered, no fine due.

Case # CE22-0464

Location: 219 W New St

Respondent: Louise Williams Est

Description: The property contains an accumulation of waste, yard trash, rubble and debris from the property.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 30, Lot Maintenance, (3) Nuisance Declared.

Parcel ID: 701620020110 **Zoning:** C-2

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of November 02, 2023, fine due \$25,000.00.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, fine due \$25,000.00.

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 Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of November 09, 2023, no fine due.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, no fine due.

Case # CE23-0435

Location: 1000 Springdale Ct

Respondent: Stevenstore L Perry and Dexter L Perry

Description: A building renovation was constructed at the house 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: 702021000070 **Zoning:** R-1

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of October 26, 2023, no fine due.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, no fine due.

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 Officer: Amber Parker

Appearing Representative: Virginia Turner

DeLand Testimony: Property was brought into compliance as of October 31, 2023, no fine due.

Representative Testimony: Ms. Turner agreed with Order of Compliance.

Magistrate's Finding: Order of Compliance entered, no fine due.

Case # CE23-0329

Location: 523 E Voorhis Ave

Respondent: Tranquility Concepts LLC

Description: The property continues to have grass or weeds in excess of 12 inches tall and yard trash or debris throughout the property.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 30, Lot Maintenance, (3) Nuisance Declared.

Parcel ID: 701618000420 **Zoning:** R-2

Code Enforcement Officer: Amber Parker

Appearing Respondent: Vasu Persaud

DeLand Testimony: Property was brought into compliance as of August 15, 2023, fine due \$3,150.00.

Respondent Testimony: Mr. Persaud appeared as hearing was being adjourned, after staff called the hallway for Mr. Persaud prior to ruling on case. Magistrate informed respondent the matter had just been heard, and he did not answer the call when the case was announced. Respondent informed Special Magistrate that he had no testimony to add, and stated he will take further action.

Magistrate's Finding: Order of Compliance entered, fine due \$3,150.00.

IV. **Lien Reduction**

No action items

H. **NEXT MEETING DATE** — January 30, 2024

I. **ADJOURNMENT @** 5:38 PM