

City of DeLand



Code Enforcement Special Magistrate

J. Zolty Special Magistrate

January 30, 2024
Hearing Minutes

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

A. CALL TO ORDER AT 5:00 PM

B. PLEDGE OF ALLEGIANCE

C. FORMAT FOR PROCEEDINGS

D. APPROVAL OF MINUTES

December 14, 2023

E. SWEARING IN OF WITNESSES:

Richard Lovett, Code Enforcement Manager

Amber Parker, Code Enforcement Officer

Bethzaida Delgado, Code Enforcement Officer

Terry Griffiths, Fire Inspector

Manuel Alonso, Respondent

Susan Alonso, Respondent

Dalia Vargas, Representative

Duane Weldon, Representative

Joe Iwanski, Representative

OTHERS PRESENT:

Julie Zolty, Special Magistrate

Matthew Branz, City Attorney

F. NEW BUSINESS

Finding of Facts, Conclusions of Law Order

Case # CE23-0293

Location: 538 E Intl Speedway Blvd

Respondent: Just-Time Property Trust, LLC

Description: The business is operating cooking equipment without the required exhaust systems.

Violation: City of DeLand Code of Ordinances; Chapter 12, Section 12-1, Florida Fire Prevention Code Adopted by Reference. FL NFPA 01 2018: 50.5.1.1, Exhaust systems shall be operated whenever cooking equipment is turned on. [96:11.1.1].

Parcel ID: 700400000160

Zoning: C-2

Code Enforcement: Amber Parker

Appearing Respondent: Manuel and Susan Alonso

Appearing Representative: Dalia Vargas

DeLand Testimony: Officer Parker testified that as of January 24, 2024, 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. FL NFPA 01 2018: 50.5.1.1, Exhaust systems shall be operated whenever cooking equipment is turned on. [96:11.1.1]. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on February 19, 2024, or a fine of \$250.00 per day should be imposed beginning on February 20, 2024, and continue until said violation(s) is corrected.

City of DeLand Fire Department: Fire Inspector Terry Griffiths stated the restaurant needs to have a Type 1 hood system installed. There is a make shift Type 2 system that is not UL Rated.

Respondent Testimony: Ms. Alonso stated she is worried about having to be responsible for the fines and the tenants not having enough time to gain compliance.

Representative Testimony: Ms. Vargas stated they are having a hard time getting an electric contractor to show up, and one that wants to do the electrical portion of the hood system. They do have a contractor coming tomorrow 01/31/2024 to do the work for the hood system. She also stated they do have a type 2 ventless hood system designed for a countertop.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on February 19, 2024, or a fine of \$250.00 per day shall be imposed as of February 20, 2024, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for February 22, 2024.

Case # CE23-0520

Location: 237 W Rich Ave

Respondent: William and Blanche Weldon

Description: Observed that the house was in a state of disrepair from an expired renovation permit from December, 2019.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section 7-2, 102.10 The International Property Maintenance Code, 2015 edition, with local amendments as set forth in subsection (b) below, is hereby adopted, and all references in this Section 102.10 to the "code" shall refer to the adopted provisions of the International Property Maintenance Code.

Parcel ID: 700909000030

Zoning: R-1A&H

Code Enforcement: Richard Lovett

Appearing Representative: Duane Weldon

DeLand Testimony: Officer Lovett testified that as of December 11, 2023, the property has not come into compliance, he recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 7, Section 7-2, 102.10 The International Property Maintenance Code, 2015 edition, with local

amendments as set forth in subsection (b) below, is hereby adopted, and all references in this Section 102.10 to the "code" shall refer to the adopted provisions of the International Property Maintenance Code. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on February 19, 2024, or a fine of \$250.00 per day should be imposed beginning on February 20, 2024, and continue until said violation(s) is corrected.

Representative Testimony: Mr. Weldon stated he is going to restore the structure. He started the restoration in 2019. He makes his own trim and is doing all the work himself. All the windows are restored and ready to be put back in. Also stated he will be redoing the roof. Mr. Weldon requested 3-6 more months extension to come into compliance.

Code Enforcement: Officer Lovett requested to extend compliance date until August 20, 2024 to allow more time for respondent to come into compliance.

Magistrate's Finding: Granted more time for compliance. The property is in violation, and is to come into compliance on or before 5:00 p.m. on August 19, 2024, or a fine of \$150.00 per day shall be imposed as of August 20, 2024, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for August 22, 2024.

G. OLD BUSINESS

I. Order Imposing Fine/Lien

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: Joe Iwanski

DeLand Testimony: Officer Parker testified that as of January 30, 2024, the property has come into compliance. The property was 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. No fines are due.

Representative Testimony: Mr. Iwanski agreed with Order of Compliance and has additional fire information he will get to the Code Enforcement Officer.

Magistrate's Finding: Order of Compliance entered. No fines due.

II. **Continued Cases**

No action items

III. **Order of Compliance**

Case # CE22-0095

Location: 689 E Victoria Trails

Respondent: SFR JV-2 property LLC

Description: A fence was installed on the property 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: 702607000140

Zoning: PD

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of August 2, 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 # CE23-0501

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 Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of January 19, 2024, no fine due.

Respondent Testimony: Did not appear for testimony.

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

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 Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of January 09, 2024, no fine due.

Respondent Testimony: Did not appear for testimony.

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

IV. **Lien Reduction**

Case # CE22-0095

Location: 689 E Victoria Trails

Respondent: SFR JV-2 property LLC

Description: A fence was installed on the property 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: 702607000140

Zoning: PD

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Delgado requests that the Special Magistrate make a recommendation to the City Manager to reduce the lien from the current fine of \$25,000.00 to \$8,902.00 and that the applicant shall pay the reduced lien amount within 30 days of the acceptance date by the City Manager. If the lien is not paid within the specified time, the order shall be of no further force or effect and the lien shall remain in place in its original amount.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Recommended lien reduction in the amount of \$8,902.00.

Case # CE22-0177

Location: 697 Preakness Cir

Respondent: SFR JV-2 Property LLC

Description: A fence was installed on the property without the required 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: 702211001790

Zoning: PD

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Delgado requests that the Special Magistrate make a recommendation to the City Manager to reduce the lien from the current fine of \$17,700.00 to \$7,466.00 and that the applicant shall pay the reduced lien amount within 30 days of the acceptance date by the City Manager. If the lien is not paid within the specified time, the order shall be of no further force or effect and the lien shall remain in place in its original amount.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Recommended lien reduction in the amount of \$7,466.00.

H. NEXT MEETING DATE — February 22, 2024

I. ADJOURNMENT @ 6:03 PM