City of DeLand

Code Enforcement

Special Magistrate

J. Zolty …… Special Magistrate

April 25, 2024
Hearing Minutes

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

A. CALL TO ORDER AT 5:05 PM

B. PLEDGE OF ALLEGIANCE

C. FORMAT FOR PROCEEDINGS

D. APPROVAL OF MINUTES
March 28, 2024

E. SWEARING IN OF WITNESSES:
Richard Lovett, Code Enforcement Manager
Amber Parker, Code Enforcement Officer
Bethzaida Delgado, Code Enforcement Officer
Jank Xiyves, Representative

OTHERS PRESENT:
Julie Zolty, Special Magistrate
Matthew Branz, City Attorney

F. NEW BUSINESS

Finding of Facts, Conclusions of Law Order

Case # CE23-0510
Location: 239 S Pine St
Respondent: Gorilla Capital Florida JKR, LLC
Description: Work being done to a home without a permit.
Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 7, Section. 7-2, Local Supplement to the Florida Building Code, administration Section 105. Permits subsection 105.1 Required.
Parcel ID: 701506000410 **Zoning:** R-1
Code Enforcement: Richard Lovett
Appearing Respondent: Did not appear.
DeLand Testimony: Officer Lovett testified that as of April 1, 2024, the property has not come into compliance, he 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 7, Section. 7-2, 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 May 20, 2024, or a fine of

$250.00 per day should be imposed beginning on May 21, 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 May 20, 2024, or a fine of $250.00 per day shall be imposed as of May 21, 2024, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for May 23, 2024.

Case # CE24-0117
Location: 1250 S Woodland Blvd
Respondent: 2003 Realty Company, LLC
Description: A business is operating on the property without the required Business Tax Receipt.
Violation: City of DeLand Code of Ordinances; Chapter 17, Section 17-1001, Required.
Parcel ID: 702112020010 **Zoning:** C-2AC
Code Enforcement: Amber Parker
Appearing Respondent: Did not appear
DeLand Testimony: Officer Parker testified that as of April 23, 2024, the property has come into compliance, after the compliance date given in the Notice of Violation. she recommended that the property was in violation of City of DeLand Code of Ordinances; Chapter 17, Section 17-1001, Required and any violation of the same code provision by the Respondent within five (5) years from the date of this Order shall be treated as a repeat violation, wherein the Special Magistrate may impose a fine of up to $500.00 per day for each day the violation exists.
Respondent Testimony: Did not appear for testimony
Magistrate's Finding: The property was in violation, but has come into compliance after the compliance date. Any violation of the same code provision by the Respondent within five (5) years from the date of this Order shall be treated as a repeat violation, wherein the Special Magistrate may impose a fine of up to $500.00 per day for each day the violation exists.

Case # CE24-0236
Location: 139 S Boston Ave
Respondent: XC Home Improvements, LLC
Description: Interior and exterior alterations were constructed on the structure without the required permits.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section. 7-2, Local Supplement to the Florida Building Code, Administration, Section 105, Permits, Subsection 105.1, Required.
Parcel ID: 701501020280 **Zoning:** R-1
Code Enforcement: Amber Parker
Appearing Representative: Jank Xiyves
DeLand Testimony: Officer Parker testified that as of April 19, 2024, the property has not come into compliance. Officer Parker presented evidence that renovation started at some point after July 2022. She recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 7, Section. 7-2, 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 May 20, 2024, or a fine of $250.00 per day should be imposed beginning on May 21, 2024, and continue until said violation(s) is corrected.
Representative Testimony: Mr. Xiyves stated he purchased the property November of 2020 and renovation work was already started on the property at the time. He stated there was new siding placed over old, and the roof was leaking. He also stated that he allowed the Code Officer to come inside the property to take photos. He has a GC that will be working on the project, and he is in the process of registering with the Volusia County. Mr. Xiyves also requested more time to come into compliance.
Magistrate's Finding: The property is in violation, and extended compliance date. The property is to come into compliance on or before 5:00 p.m. on June 24, 2024, or a fine of $250.00 per day shall be imposed as of June 25, 2024, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for June 27, 2024.

G. OLD BUSINESS

I. Order Imposing Fine/Lien

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 Respondent: Did not appear.
DeLand Testimony: Officer Parke testified that as of April 15, 2024, the property has not come into compliance. 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. A fine of $250.00 per day shall be imposed beginning December 12, 2023, and continue until said violation(s) is corrected.
Respondent Testimony: Did not appear for testimony.

*Code Enforcement Manager Richard Lovett, and City Attorney Matthew Branz sounded the halls for respondent and no one was present.

Magistrate's Finding: The property remains in violation and a fine of $250.00 per day is hereby imposed as of December 12, 2023, and continue until said violation is corrected.

Case # CE24-0166
Location: 212 S Boston Ave
Respondent: Martha C Cook Est.
Description: The water service to the property has been disconnected, therefore creating a plumbing system hazard. The structure and premises have been determined to be dangerous.
Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 5, Section 501.2, Responsibility, Chapter 5, Section 504.1, General, Chapter 5,

Section 504.3, Plumbing system hazards, and Chapter 1, Section 108.1.5, Dangerous structure or premises.
Parcel ID: 701615010110 **Zoning:** R-1
Code Enforcement Officer: Amber Parker
Appearing Respondent: Did not appear.
DeLand Testimony: Officer Parker testified that as of April 23, 2023, the property has not come into compliance. 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 501.2, Responsibility, Chapter 5, Section 504.1, General, Chapter 5, Section 504.3, Plumbing system hazards, and Chapter 1, Section 108.1.5, Dangerous structure or premises. A fine of $250.00 per day shall be imposed beginning April 23, 2023, and continue until said violation(s) is corrected.
Respondent Testimony: Did not appear for testimony.
Magistrate's Finding: The property remains in violation and a fine of $250.00 per day is hereby imposed as of April 23, 2023, and continue until said violation is corrected.

Case # CE24-0173
Location: 212 S Boston Ave
Respondent: Martha C Cook Est.
Description: The premises contains large accumulations of waste, yard trash, rubble, debris, abandoned, junked, and discarded personal property.
Violation: City of DeLand Code of Ordinances; Chapter 16, Section 16-30, (3) Nuisance declared and Chapter 21, Section 21-01, Abandoned, Junked, Discarded Personal Property. (2) Keeping, Storing, etc., Prohibited.
Parcel ID: 701615010110 **Zoning:** R-1
Code Enforcement Officer: Amber Parker
Appearing Respondent: Did not appear.
DeLand Testimony: Officer Parker testified that as of April 23, 2023, the property has not come into compliance. The property is in violation of City of DeLand Code of Ordinances; Chapter 16, Section 16-30, (3) Nuisance declared and Chapter 21, Section 21-01, Abandoned, Junked, Discarded Personal Property. (2) Keeping, Storing, etc., Prohibited. A fine of $150.00 per day shall be imposed beginning April 23, 2023, and continue until said violation(s) is corrected.
Respondent Testimony: Did not appear for testimony.
Magistrate's Finding: The property remains in violation and a fine of $150.00 per day is hereby imposed as of April 23, 2023, and continue until said violation is corrected.

Case # CE24-0189
Location: 515 S Adelle Ave
Respondent: Catherine B Manning
Description: The premises contains accumulations of waste, yard trash, rubble, debris, abandoned, junked, and discarded personal property.
Violation: City of DeLand Code of Ordinances; Chapter 16, Section 16-30, (3) Nuisance declared and Chapter 21, Section 21-01, Abandoned, Junked, Discarded Personal Property. (2) Keeping, Storing, etc., Prohibited.
Parcel ID: 701727000290 **Zoning:** R-1
Code Enforcement Officer: Amber Parker
Appearing Respondent: Did not appear.
DeLand Testimony: Officer Parker testified that as of April 23, 2023, the property has not come into compliance. The property is in violation of City of DeLand Code of Ordinances; Chapter 16, Section 16-30, (3) Nuisance declared and Chapter 21, Section 21-01, Abandoned, Junked, Discarded Personal Property. (2) Keeping, Storing, etc., Prohibited. A fine of $150.00 per day shall be imposed beginning April 23, 2023, and continue until said violation(s) is corrected.
Respondent Testimony: Did not appear for testimony.
Magistrate's Finding: The property remains in violation and a fine of $150.00 per day is hereby imposed as of April 23, 2023, and continue until said violation is corrected.

II. **Continued Cases**

Case # CE23-0707
Location: 576 E Intl Speedway Blvd
Respondent: Canvas Pros Inc.
Description: The home and detached garage is in a state of disrepair.
Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 7, Section 7-2, 102.10 The International Property Maintenance Code, with local amendments as set forth in subsection (b) below, is hereby adopted, and all references in this Section 108.1.3, Structure unfit for human occupancy.
Parcel ID: 700400000200 **Zoning:** C-2
Code Enforcement Officer: Richard Lovett
Appearing Respondent: Did not appear.
DeLand Testimony: Officer Lovett requested that the case be continued to the May 23, 2024, hearing to allow time for the owner to gain compliance.
Respondent Testimony: Did not appear for testimony.
Magistrate's Finding: The case was continued to the May 23, 2024 hearing.

Case # CE23-0554
Location: 1505 Clearview Ave
Respondent: Canvas Pros Inc.
Description: The home and detached garage is in a state of disrepair.
Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 7, Section 7-2, 102.10, The International Property Maintenance Code, with local amendments as set forth in subsection (b) below, is hereby adopted, and all references in this Section 108.1.3, Structure unfit for human occupancy.
Parcel ID: 700400000190 **Zoning:** C-2
Code Enforcement Officer: Richard Lovett
Appearing Respondent: Did not appear.
DeLand Testimony: Officer Lovett requested that the case be continued to the May 23, 2024, hearing to allow time for the owner to gain compliance.
Respondent Testimony: Did not appear for testimony.
Magistrate's Finding: The case was continued to the May 23, 2024 hearing.

III. **Order of Compliance**

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 Officer: Amber Parker
Appearing Respondent: Did not appear.
DeLand Testimony: Property was brought into compliance as of April 5, 2024, no fine due.
Respondent Testimony: Did not appear for testimony.
Magistrate's Finding: Order of Compliance entered, no fine due.

Case # CE24-0050
Location: 538 E Intl Speedway Blvd
Respondent: Just-Time Property Trust, LLC
Description: The business is using cooking equipment that produces grease-laden vapors, without the required Fire Suppression system.

Violation: City of DeLand Code of Ordinances; Chapter 12, Section 12-1, Florida Fire Prevention Code Adopted by Reference. The Florida Fire Prevention Code 7th , NFPA 96: 2017 Edition - Chapter 10, 10.1.1, 10.1.2, and A.10.1.2.
Parcel ID: 700400000160 **Zoning:** C-2
Code Enforcement Officer: Amber Parker
Appearing Respondent: Did not appear.
DeLand Testimony: Property was brought into compliance as of April 5, 2024, no fine due.
Respondent Testimony: Did not appear for testimony.
Magistrate's Finding: Order of Compliance entered, no fine due.

Case # CE23-0294
Location: 576 E Intl Speedway Blvd
Respondent: Canvas Pros Inc.
Description: Debris not properly contained on the property.
Violation: City of DeLand Code of Ordinances; Chapter 16, Section 16-30 (3). Nuisance declared.
Parcel ID: 700400000200 **Zoning:** C-2
Code Enforcement Officer: Richard Lovett
Appearing Respondent: Did not appear.
DeLand Testimony: Property was brought into compliance as of April 15, 2024, no fine due.
Respondent Testimony: Did not appear for testimony.
Magistrate's Finding: Order of Compliance entered, no fine due.

Case # CE23-0562
Location: 1329 N Woodland Blvd
Respondent: AJ Partners Lending, LLC
Description: Observed that the roof was damaged and missing shingles from the business sign that had fallen on the roof.
Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 3, Section 304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit. rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portions of the structure.
Parcel ID: 700409000010 **Zoning:** C-2
Code Enforcement Officer: Richard Lovett
Appearing Respondent: Did not appear.
DeLand Testimony: Property was brought into compliance as of April 15, 2024, no fine due.
Respondent Testimony: Did not appear for testimony.

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

IV. **Lien Reduction**

No action items

H. NEXT MEETING DATE – May 23, 2024

I. ADJOURNMENT @ 5:58 PM