

City of DeLand



Code Enforcement Special Magistrate

J. Boudet Special Magistrate

May 23, 2024
Hearing Minutes

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

A. **CALL TO ORDER AT 5:04 PM**

B. **PLEDGE OF ALLEGIANCE**

C. **FORMAT FOR PROCEEDINGS**

D. **APPROVAL OF MINUTES**

April 25, 2024

E. **SWEARING IN OF WITNESSES:**

Richard Lovett, Code Enforcement Manager

William Lawton, Deputy Building Official

Amber Parker, Code Enforcement Officer

Bethzaida Delgado, Code Enforcement Officer

Catherine Melvin, Representative

Ciera Nesmith, Representative

Shakeela Tawwab, Respondent

Iswell Tawwab, Representative

OTHERS PRESENT:

Jack Boudet, Special Magistrate

Matthew Branz, City Attorney

F. **NEW BUSINESS**

Finding of Facts, Conclusions of Law Order

Case # CE23-0497

Location: 233 E Howry Ave

Respondent: Willie Mae R Johnson Rev Trust

Description: The home 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: 701604000090 **Zoning:** C-2

Code Enforcement: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Lovett testified that as of May 13, 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, 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. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on June 24, 2024, or a fine of \$250.00 per day should be imposed beginning on June 25, 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 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. A hearing to determine whether respondent has complied is set for June 27, 2024.

G. OLD BUSINESS

I. Order Imposing Fine/Lien

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; 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 Officer: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Lovett testified that as of May 21, 2024, the property has not come into compliance. 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. Officer Lovett requested case to be continued to allow the respondent more time for compliance.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: The property remains in violation, case was continued until the June 27, 2024 hearing.

Case # CE24-0190

Location: 515 S Adelle Ave

Respondent: Catherine B Manning

Description: Alterations have been constructed to the front of 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: 701727000290 **Zoning:** R-1

Code Enforcement Officer: Amber Parker

Appearing Representative: Catherine Melvin, Ciera Nesmith

DeLand Testimony: Officer Parker testified that as of May 22, 2023, the property has not come into compliance. 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. A fine of \$150.00 per day shall be imposed beginning May 21, 2023, and continue until said violation(s) is corrected.

Representative Testimony: Ms. Melvin stated she was told not to go back to the property. She is trying to get a loan to pay the water bill. She stated someone was going to help her with the work but they did not. She was under the impression the screen around the porch need to be replaced. Ms. Nesmith stated they are trying to go through probate to get the property in their name, and in the process of trying to find a probate attorney.

Deputy Building Official Testimony: Mr. Lawton stated they do not need to replace the screen they just need to remove windows, doors, plywood and turn it back into a porch.

Magistrate's Finding: The property remains in violation. Case was continued until the June 27, 2024 hearing.

Case # CE24-0608

Location: 206 E New York

Respondent: Shakeela Tawwab & Mohammed A. Tawwab

Description: The property had accumulations of waste, yard trash, rubble or debris throughout the property and the grass or weeds in excess of 12 inches tall.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 16-30, (3) Nuisance declared.

Parcel ID: 701601010022 **Zoning:** C-2

Code Enforcement Officer: Amber Parker

Appearing Respondent: Shakeela Tawwab, Iswell Tawwab

DeLand Testimony: Officer Parker testified that as of May 20, 2024, the property has come into compliance. The property was in violation of City of DeLand Code of Ordinances; Chapter 16, Section 16-30, (3) Nuisance declared. The property was in violation from May 07, 2024 through May 19, 2024. Fines

shall be imposed beginning May 12, 2024 through May 19, 2024, for a total of 7 days. A fine in the amount of \$250.00 per day as a repeat violation, shall be imposed for 7 days for a total of \$1,750.00.

Respondent Testimony: Son, Iswell Tawwab stated his father has been sick, and in the hospital for the past month. He also stated he took action, and got someone to take care of the property on May 18, 2024. He stated the Notice of Violation was mailed to a PO box that they no longer use. His father, Mr. Mohammed Tawwab usually takes care of all these matters. They have since removed all trash and hired lawn people.

Magistrate's Finding: The property was in violation from May 07, 2024 through May 19, 2024. Fines are imposed beginning May 12, 2024 through May 19, 2024, for a total of 7 days. A fine in the amount of \$250.00 per day as a repeat violation, is hereby imposed for 7 days for a total of \$1,750.00.

II. **Continued Cases**

No action items

III. **Order of Compliance**

Case # CE23-0554

Location: 1505 Clearview Ave

Respondent: Canvas Pros Inc.

Description: The home and detached garage were 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: Property was brought into compliance as of May 16, 2024, no fine due.

Respondent Testimony: Did not appear for testimony.

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

Case # CE23-0707

Location: 576 E Intl Speedway Blvd

Respondent: Canvas Pros Inc.

Description: The buildings on the property were 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: Property was brought into compliance as of May 16, 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 # CE21-0079

Location: 614 E Highland Ave

Respondent: Devin Johnson

Description: The property previously contained several commercial junked or abandoned, partly dismantled or discarded commercial vehicles and personal property in a residential area on the grass.

Violation: City of DeLand Code of Ordinances; Chapter 33, Section 91.02, Parking restrictions for commercial vehicles, Chapter 33, Section 91.03, Number and Type of Parking Spaces Required. Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property. (2) Keeping, Storing, etc., Prohibited.

Parcel ID: 701624000090 **Zoning:** R-1

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Devin Johnson

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 \$10,178.00 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: Mr. Johnson would like the reduction to be even lower, but agreed to the reduced amount.

Magistrate's Finding: Will make recommendation to City Manager for lien reduction in the amount of \$10,178.00.

H. NEXT MEETING DATE — June 27, 2024

I. ADJOURNMENT @ 6:04 PM