

City of DeLand



Code Enforcement Special Magistrate

J. Zolty Special Magistrate

**June 27, 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

May 23, 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

Joseph Kmaid, Representative

Luci Gleason, Representative

Cheyenne Williams, Representative

Heather Jackson, Representative

Jank Xiques, Representative

OTHERS PRESENT:

Julie Zolty, Special Magistrate

Matthew Branz, City Attorney

F. NEW BUSINESS

Finding of Facts, Conclusions of Law Order

Case # CE23-0570

Location: 899 S Spring Garden Ave

Respondent: J-Mak of Daytona Inc.

Description: Pole sign in a state of disrepair.

Violation: City of DeLand Code of Ordinances; Chapter 33, Section 33.71.05, Maintenance.

Parcel ID: 701732000550

Zoning: C-2

Code Enforcement: Richard Lovett

Appearing Representative: Joseph Kmaid

DeLand Testimony: Officer Lovett testified that as of May 23, 2024, the property has not come into compliance, he recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 33, Section 33.71.05, Maintenance. The Respondent(s) shall be ordered to correct the above code

violation(s) on or before 5:00 p.m. on July 22, 2024, or a fine of \$250.00 per day should be imposed beginning on July 23, 2024, and continue until said violation(s) is corrected.

Representative Testimony: Mr. Kmaid stated he would like more time to come into compliance due to the fact he is having a hard time finding a sign company.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on July 22, 2024, or a fine of \$250.00 per day shall be imposed as of July 23, 2024, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for July 25, 2024.

Case # CE24-0136

Location: 700 E Georgia Ave

Respondent: James & Helen Caruso

Description: Multiple RV's hooked up to power and sewer on the property.

Violation: City of DeLand Code of Ordinances; Chapter 33, Section 33.91.022, Parking restrictions for recreational vehicles and Chapter 33, Section 33.17, Zoning districts, 33.17.02, (a) Statement of intent.

Parcel ID: 701501020010

Zoning: R-1

Code Enforcement: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Lovett testified that as of June 27, 2024, the property has not come into compliance, he recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 33, Section 33.91.022, Parking restrictions for recreational vehicles and Chapter 33, Section 33.17, Zoning districts. 33.17.02, (a) Statement of intent. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on July 22, 2024, or a fine of \$250.00 per day should be imposed beginning on July 23, 2024, and continue until said violation(s) is corrected.

Representative 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 July 22, 2024, or a fine of \$250.00 per day shall be imposed as of July 23, 2024, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for July 25, 2024.

Case # CE24-0322

Location: 345 E Church St

Respondent: Ferpersena Group LLC

Description: Homes on the property were being remodeled without the required 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: 700901220050

Zoning: R-2

Code Enforcement: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Lovett testified that as of June 27, 2024, 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, 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 July 22, 2024, or a fine of \$250.00 per day should be imposed beginning on July 23, 2024, and continue until said violation(s) is corrected.

Representative 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 July 22, 2024, or a fine of \$250.00 per day shall be imposed as of July 23, 2024, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for July 25, 2024.

G. OLD BUSINESS

I. Order Imposing Fine/Lien

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 Officer: Amber Parker

Appearing Representative: Jank Xiques

DeLand Testimony: Officer Parker testified that as of June 25, 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. A fine of \$250.00 per day shall be imposed beginning June 25, 2024, and continue until said violation(s) is corrected.

Mr. Xiques arrived after case was heard. Magistrate and City staff agreed to rehear the case and accept testimony from Mr. Xiques.

Representative Testimony: Mr. Xiques stated he has signed a contract with a General Contractor. He has Subcontractors for Mechanical and Electrical. He is still needing a plumber, but is having a hard time finding a plumbing company.

Magistrate's Finding: The property remains in violation and a fine of \$250.00 per day is hereby imposed as of June 25, 2024, and continue until said violation is corrected. After hearing the respondent's testimony, the order stands to impose fines until property is brought into compliance.

Case # CE24-0904

Location: 238 N Sans Souci Ave

Respondent: Robert J. Clabeaux Trustee

Description: The stairways, decks, porches and balconies, handrails and guards are unsafe.

Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 3, Section 304.10, Stairways, decks, porches and balconies and Section 304.12, handrails and guards.

Parcel ID: 700909000180

Zoning: R-1A

Code Enforcement Officer: Bethzaida Delgado

Appearing Representative: Luci Gleason

DeLand Testimony: Officer Delgado testified that as of June 17, 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 3, Section 304.10, Stairways, decks, porches and balconies and Section 304.12, handrails and guards. A fine of \$500.00 per day shall be imposed beginning May 31, 2024, and continue until said violation(s) is corrected, as this is a repeat violation.

Representative Testimony: Ms. Gleason stated she has been moving very quickly, and she had to find a General Contractor. She stated the engineering plans should be completed by today June 27, 2024. She would like information on the possibility of a Lien Reduction.

Deputy Building Official Testimony: Mr. Lawton stated the stairs are not structurally safe, nor do they meet Building Code. There is no support or reliable bracing. How they are fastened to the structure does not appear to be salvageable.

Magistrate's Finding: The property remains in violation and a fine of \$500.00 per day is hereby imposed as of May 31, 2024, and continue until said violation is corrected, as this is a repeat violation pursuant to §162.04(5) Fla. Stat. (2022).

Case # CE24-0836

Location: 920 N Spring Garden Ave (Hunters Creek)

Respondent: SAS Spring Garden Arbor Managers, LLC

Description: Grass or weeds in excess of 12 inches tall throughout the property.

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

Parcel ID: 700600000381

Zoning: PD

Code Enforcement Officer: Bethzaida Delgado

Appearing Representative: Cheyanne Williams, Heather Jackson

DeLand Testimony: Officer Delgado testified that as of June 13, 2024, the property has come into compliance. The property was in violation of City of DeLand Code of Ordinances; Chapter 16, Section 16-5, Unsanitary lots, declared nuisance and Chapter 16, Section 16-30, Lot Maintenance, Subsection (3), Nuisance Declared. The property was in violation from May 21, 2024 through June 13, 2024. Fines shall be imposed beginning May 21, 2024 through June 13, 2024, for a total of 23 days. A fine in the amount of \$500.00 per day as a repeat violation, shall be imposed for 23 days for a total of \$11,500.00.

Representative Testimony: Ms. Jackson stated RPM Living took over management on April 18, 2024. It took them some time to find a landscaping company to take care of the property. The previous management company, Hallmark did not have the right kind of landscaping company and they did not do a good job.

Magistrate's Finding: The property was in violation from May 21, 2024 through June 13, 2024. Fines are imposed beginning May 21, 2024 through June 13, 2024, for a total of 23 days. A fine in the amount of \$500.00 per day as a repeat violation, is hereby imposed for 23 days for a total of \$11,500.00.

Case # CE24-0837

Location: 920 N Spring Garden Ave (Hunters Creek)

Respondent: SAS Spring Garden Arbor Managers, LLC

Description: Accumulations waste, yard trash, rubble and debris on the property.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 16-30, Lot Maintenance, (3) Nuisance Declared, Chapter 16, Section 16-26, Nuisances injurious to health, Chapter 16, Section 16-5, Unsanitary lots, declared nuisance, and Chapter 16, Section 16-4, Lots, premises.

Parcel ID: 700600000381

Zoning: PD

Code Enforcement Officer: Bethzaida Delgado

Appearing Representative: Cheyanne Williams, Heather Jackson

DeLand Testimony: Officer Delgado testified that as of June 13, 2024, the property has come into compliance. The property was in violation of City of DeLand Code of Ordinances; Chapter 16, Section 16-30, Lot Maintenance, (3) Nuisance Declared, Chapter 16, Section 16-26, Nuisances injurious to health, Chapter 16, Section 16-5, Unsanitary lots, declared nuisance, and Chapter 16, Section 16-4, Lots, premises. The property was in violation from May 21, 2024 through June 13, 2024. Fines shall be imposed beginning May 21, 2024 through June 13, 2024, for a total of 23 days. A fine in the amount of \$500.00 per day as a repeat violation, shall be imposed for 23 days for a total of \$11,500.00.

Representative Testimony: Ms. Jackson stated she contacted the trash vendor and they will be picking up once a week now on Tuesdays.

Magistrate's Finding: The property was in violation from May 21, 2024 through June 13, 2024. Fines are imposed beginning May 21, 2024 through June 13, 2024, for a total of 23 days. A fine in the amount of \$500.00 per day as a repeat violation, is hereby imposed for 23 days for a total of \$11,500.00.

Case # CE24-0841

Location: 924 Hunters Creek Dr (Hunters Creek)

Respondent: SAS Spring Arbor Managers, LLC

Description: Grass or weeds in excess of 12 inches tall throughout the property.

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

Parcel ID: 700600000382

Zoning: PD

Code Enforcement Officer: Bethzaida Delgado

Appearing Representative: Cheyanne Williams, Heather Jackson

DeLand Testimony: Officer Delgado testified that as of June 13, 2024, the property has come into compliance. The property was in violation of City of DeLand Code of Ordinances; Chapter 16, Section 16-5, Unsanitary lots, declared nuisance, and Chapter 16, Section 16-30, Lot Maintenance, Subsection (3), Nuisance Declared. The property was in violation from May 21, 2024 through June 13, 2024. Fines shall be imposed beginning May 21, 2024 through June 13, 2024, for a total of 23 days. A fine in the amount of \$500.00 per day as a repeat violation, shall be imposed for 23 days for a total of \$11,500.00.

Representative Testimony: Ms. Jackson stated RPM Living took over management on April 18, 2024. It took them some time to find a landscaping company to take care of the property. The previous management company,

Hallmark did not have the right kind of landscaping company and they did not do a good job.

Magistrate's Finding: The property was in violation from May 21, 2024 through June 13, 2024. Fines are imposed beginning May 21, 2024 through June 13, 2024, for a total of 23 days. A fine in the amount of \$500.00 per day as a repeat violation, is hereby imposed for 23 days for a total of \$11,500.00.

Case # CE24-0840

Location: 928 Hunters Creek Dr (Hunter Creek)

Respondent: SAS Spring Arbor Managers, LLC

Description: Grass or weeds in excess of 12 inches tall throughout the property.

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

Parcel ID: 700600000383

Zoning: PD

Code Enforcement Officer: Bethzaida Delgado

Appearing Representative: Cheyanne Williams, Heather Jackson

DeLand Testimony: Officer Delgado testified that as of June 13, 2024, the property has come into compliance. The property was in violation of City of DeLand Code of Ordinances; Chapter 16, Section 16-5, Unsanitary lots declared nuisance and Chapter 16, Section 16-30, Lot Maintenance, Subsection (3), Nuisance Declared. The property was in violation from May 21, 2024 through June 13, 2024. Fines shall be imposed beginning May 21, 2024 through June 13, 2024, for a total of 23 days. A fine in the amount of \$500.00 per day as a repeat violation, shall be imposed for 23 days for a total of \$11,500.00.

Representative Testimony: Ms. Jackson stated RPM Living took over management on April 18, 2024. It took them some time to find a landscaping company to take care of the property. The previous management company, Hallmark did not have the right kind of landscaping company and they did not do a good job.

Magistrate's Finding: The property was in violation from May 21, 2024 through June 13, 2024. Fines are imposed beginning May 21, 2024 through June 13, 2024, for a total of 23 days. A fine in the amount of \$500.00 per day as a repeat violation, is hereby imposed for 23 days for a total of \$11,500.00.

Case # CE24-0839

Location: 920 Hunters Creek Dr (Lexington)

Respondent: SAS Lexington Club at Spring Arbor Managers, LLC

Description: Grass or weeds in excess of 12 inches tall throughout the property.

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

Parcel ID: 700600000380

Zoning: PD

Code Enforcement Officer: Bethzaida Delgado

Appearing Representative: Cheyanne Williams, Heather Jackson

DeLand Testimony: Officer Delgado testified that as of June 13, 2024, the property has come into compliance. The property was in violation of City of DeLand Code of Ordinances; Chapter 16, Section 16-5, Unsanitary lots declared nuisance and Chapter 16, Section 16-30, Lot Maintenance, Subsection (3), Nuisance Declared. The property was in violation from May 21, 2024 through June 13, 2024. Fines shall be imposed beginning May 21, 2024 through June 13, 2024, for a total of 23 days. A fine in the amount of \$500.00 per day as a repeat violation, shall be imposed for 23 days for a total of \$11,500.00.

Representative Testimony: Ms. Jackson stated RPM Living took over management on April 18, 2024. It took them some time to find a landscaping company to take care of the property. The previous management company, Hallmark did not have the right kind of landscaping company and they did not do a good job.

Magistrate's Finding: The property was in violation from May 21, 2024 through June 13, 2024. Fines are imposed beginning May 21, 2024 through June 13, 2024, for a total of 23 days. A fine in the amount of \$500.00 per day as a repeat violation, is hereby imposed for 23 days for a total of \$11,500.00.

Case # CE24-0907

Location: 920 Hunters Creek Dr (Lexington)

Respondent: SAS Lexington Club at Spring Arbor Managers, LLC

Description: Accumulations of waste, yard trash, rubble or debris throughout the property.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 16-30, Lot Maintenance, (3) Nuisance Declared, Chapter 16, Section 16-26, Nuisances injurious to health. Chapter 16, Section 16-5, Unsanitary lots, declared nuisance, and Chapter 16, Section 16-4, Lots, premises.

Parcel ID: 700600000380

Zoning: PD

Code Enforcement Officer: Bethzaida Delgado

Appearing Representative: Cheyanne Williams, Heather Jackson

DeLand Testimony: Officer Delgado testified that as of June 13, 2024, the property has come into compliance. The property was in violation of City of DeLand Code of Ordinances; Chapter 16, Section 16-30, Lot Maintenance, (3) Nuisance Declared, Chapter 16, Section 16-26, Nuisances injurious to health.

Chapter 16, Section 16-5, Unsanitary lots, declared nuisance, and Chapter 16, Section 16-4, Lots, premises. The property was in violation from June 5, 2024 through June 13, 2024. Fines shall be imposed beginning June 5, 2024 through June 13, 2024, for a total of 8 days. A fine in the amount of \$500.00 per day as a repeat violation, shall be imposed for 8 days for a total of \$4,000.00.

Representative Testimony: Ms. Jackson stated she contacted the trash vendor and they will be picking up once a week now on Tuesdays.

Magistrate's Finding: The property was in violation from June 5, 2024 through June 13, 2024. Fines are imposed beginning June 5, 2024 through June 13, 2024, for a total of 8 days. A fine in the amount of \$500.00 per day as a repeat violation, is hereby imposed for 8 days for a total of \$4,000.00.

II. **Continued Cases**

No action items

III. **Order of Compliance**

Case # CE23-0497

Location: 233 E Howry Ave

Respondent: Willie Mae R Johnson Rev Trust

Description: The was 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 Officer: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of June 17, 2024, no fine due.

Respondent Testimony: Did not appear for testimony.

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

Case # CE23-0510

Location: 239 S Pine St

Respondent: Gorilla Capital Florida JKR, LLC

Description: Work was 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 requested case be continued to allow respondent time to come into compliance.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Case continued until July 25, 2024 Hearing.

Case # CE24-0190

Location: 515 S Adelle Ave

Respondent: Catherine B Manning

Description: Alterations had 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 Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of June 13, 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** — July 25, 2024

I. **ADJOURNMENT @** 7:11 PM