

City of DeLand



Code Enforcement Special Magistrate

J. Boudet Special Magistrate

July 25, 2024
Hearing Minutes

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

A. **CALL TO ORDER AT 5:02 PM**

B. **PLEDGE OF ALLEGIANCE**

C. **FORMAT FOR PROCEEDINGS**

D. **APPROVAL OF MINUTES**

June 27, 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

Kelli Ruiz, Representative

Breyanna Williamson, Representative

Juan Seijes , Representative

OTHERS PRESENT:

Jack Boudet, Special Magistrate

Matthew Branz, City Attorney

F. **NEW BUSINESS**

Finding of Facts, Conclusions of Law Order

Case # CE23-0578

Location: 315 Osceola St

Respondent: Dennis P Mchugh EST

Description: The home and shed are in a state of disrepair.

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

Parcel ID: 701630130190

Zoning: R-1

Code Enforcement: Richard Lovett

Appearing Representative: Kelli Ruiz

DeLand Testimony: Officer Lovett testified that as of July 25, 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 September 23, 2024, or a fine of \$250.00 per day should be

imposed beginning on September 24, 2024, and continue until said violation(s) is corrected.

Representative Testimony: Ms. Ruiz stated she would like more time to come into compliance. She stated she lives in Sarasota, Fl and has to drive three hours to take care of the property. She is paying for repairs out of her own pocket. The property is tied up in probate and she is trying to get ownership of the property.

Magistrate's Finding: The case was continued with no Findings of Facts, due to information needed from probate attorney's time line. Will rehear case at September 26, 2024 hearing.

Case # CE24-0334

Location: 338 E Ohio Ave

Respondent: Annie Maude Hardin Miles

Description: People are living in the house with no water.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section 7-2, Section 102.10 The International Property Maintenance Code, 2021 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. Section 501.2 Responsibility.

Parcel ID: 700933000060

Zoning: R-1

Code Enforcement: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Lovett testified that as of July 25, 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, Section 102.10 The International Property Maintenance Code, 2021 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. Section 501.2 Responsibility. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on August 19, 2024, or a fine of \$250.00 per day should be imposed beginning on August 20, 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 August 19, 2024, or a fine of \$250.00 per day shall be imposed as of August 20, 2024, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for August 22, 2024.

Case # CE24-0867

Location: 1000 Springdale Ct

Respondent: EKZ Equity Corp

Description: The property contains newly installed windows, HVAC system, wood fence and gate 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 and Chapter 33, Section 33-28.01, General standards and requirements, (a) Permit required.

Parcel ID: 702021000070

Zoning: R-1

Code Enforcement: Amber Parker

Appearing Representative: Breyanna Williamson, new owners' real estate agent. Respondent did not appear.

DeLand Testimony: Officer Parker testified that as of July 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 7, Section 7-2, Local Supplement to the Florida Building Code, Administration, Section 105, Permits, Subsection 105.1, Required and Chapter 33, Section 33-28.01, General standards and requirements, (a) Permit required. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on September 23, 2024, or a fine of \$250.00 per day should be imposed beginning on September 24, 2024, and continue until said violation(s) is corrected.

The City Attorney stated that new owners were present, although the Respondent failed to appear. The property was transferred to the new owners subsequent to the initiation of the code enforcement matter and service of the Notice of Violation. The respondent was aware of the code violation on the property, and proceedings had begun when he transferred the property. The respondent did not comply with his obligation to notify the new owners pursuant to FSS 162.06 (5) to properly disclose the existence or nature of proceedings, and provide the new owners with copies of pleadings, notices, and other matters, nor did he file the required notice with The City.

Representative Testimony: The new owners' real estate agent, Breyanna Williamson, testified the respondent did not inform her or the new owners that the code enforcement action was pending.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on September 23, 2024, or a fine of \$250.00 per day shall be imposed as of September 24, 2024, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for September 26, 2024.

G. OLD BUSINESS

I. **Order Imposing Fine/Lien**

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 Officer: Richard Lovett

Appearing Representative: Juan Seijes

DeLand Testimony: Officer Lovett testified that as of July 23, 2024, the property has not come into compliance, he recommended to continue the case as the respondent is working to come into compliance.

Representative Testimony: Mr. Seijes stated he is still working on getting a contractor and is in the process of obtaining quotes from General Contractors.

Magistrate's Finding: Continued the case until August 22, 2024 Hearing.

Case # CE24-1024

Location: 630 E New York Ave

Respondent: Lucille A Clabeaux, Trustee of the Robert J Clabeaux Trust

Description: The property was uncleanly, unsanitary or unsightly by reason of unmowed grass, growth of weeds and accumulations of garbage, waste, yard trash, rubble or debris.

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

Parcel ID: 701646000010

Zoning: C-1

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of July 25, 2024, the property has not come into compliance, she recommended the property is in violation of City of DeLand Code of Ordinances; Chapter 16, Section 16-5, Unsanitary lots declared nuisance and Chapter 16, Section 16-30, (3) Nuisance declared. A fine of \$300.00 per day shall be imposed beginning July 10, 2024, and continue until said violation(s) is corrected, as this is a repeat violation.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: The property remains in violation and a fine of \$300.00 per day is hereby imposed as of July 10, 2024, and continue until said violation is corrected, as this is a repeat violation pursuant to §162.04(5) Fla. Stat. (2022).

II. **Continued Cases**

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 Officer: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Lovett requested the case to be continued to the August 22, 2024 hearing to allow time for the owner to gain compliance.

Representative Testimony: Did not appear for testimony.

Magistrate's Finding: The case was continued to the August 22, 2024 hearing.

III. **Order of Compliance**

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 Officer: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Lovett requested case be continued until the August 22, 2024 hearing to allow respondent more time for compliance.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Case was continued until the August 22, 2024 hearing.

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 Officer: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of July 10, 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 — August 22, 2024**

I. **ADJOURNMENT @ 5:54**