

# City of DeLand



## Code Enforcement Special Magistrate

**J. Zolty** ..... Special Magistrate

**August 22, 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**

July 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

Rebecca Whidden, Fire Inspector

Amit Soni, Respondent

David Fletcher, Representative

Efrain Estrada Rico, Respondent

Mary Palmer, Respondent

Juan Seijas, Representative

**OTHERS PRESENT:**

Julie Zolty, Special Magistrate

Matthew Branz, City Attorney

F. **NEW BUSINESS**

**Finding of Facts, Conclusions of Law Order**

**Case #** CE24-0337

**Location:** 709 S High St

**Respondent:** Johnnie Proctor

**Description:** The electrical permit expired without the required inspections, making the permit null and void, therefore the electrical work has been completed 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:** 701733010120

**Zoning:** R-1

**Code Enforcement:** Amber Parker

**Appearing Respondent:** Did not appear.

**DeLand Testimony:** Officer Parker testified the respondent has come into compliance.

**Respondent Testimony:** Did not appear for testimony.

**Magistrate's Finding:** respondent came into compliance; therefore, the case was not heard.

**Case # CE24-0429**

**Location:** 911 N Woodland Blvd

**Respondent:** DeLand Center LLC

**Description:** The business continues to exceed the allowable 10 linear feet of outdoor display, as well as unloading the merchandise at the front of the store, therefore causing the sidewalks, walkways, driveways and parking spaces to be hazardous to other persons.

**Violation:** City of DeLand Code of Ordinances; Chapter 33, Section 33-27.04, (a) General requirements, (b) Specific zoning district requirements for the BR, C-2, C-2AC, C-4 and M-1 zoning districts, Chapter 25A, Section 25A-6, Sanitary public nuisances, Chapter 33, Section 33-91.04, Off-street loading; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 3, Section 302.3, Sidewalks and driveways.

**Parcel ID:** 700424000010

**Zoning:** PD

**Code Enforcement:** Amber Parker

**Appearing Respondent:** Amit Soni, Owner and David Fletcher, Tenant

**DeLand Testimony:** Officer Parker testified that as of August 22, 2024, the property has not come into compliance. She recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 33, Section 33-27.04, (a) General requirements, (b) Specific zoning district requirements for the BR, C-2, C-2AC, C-4 and M-1 zoning districts, Chapter 25A, Section 25A-6, Sanitary public nuisances, Chapter 33, Section 33-91.04, Off-street loading; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 3, Section 302.3, Sidewalks and driveways. 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.

**Respondent Testimony:** Mr. Fletcher stated he feels he is being targeted, and there are 76 other businesses in the City that have flags and banners. He said he will be bringing Code Enforcement all the address to submit a complaint. Mr. Soni stated he has been taking care of the property, and he has a good working relationship with The Code Officer. He understands they need to obey the codes.

**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.

**Case # CE24-0906**

**Location:** 209 Meghan Cir

**Respondent:** Craig Andrew Thorne

**Description:** Missing garage door on the property.

**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 304.15, Doors.

**Parcel ID:** 702705002020

**Zoning:** PD

**Code Enforcement:** Richard Lovett

**Appearing Respondent:** Did not appear.

**DeLand Testimony:** Officer Lovett testified that as of August 22, 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 304.15, Doors. 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.

**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 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.

**Case # CE24-1036**

**Location:** 555 E Voorhis Ave

**Respondent:** Oregon, LLC

**Description:** Roof in disrepair, covered with a blue tarp.

**Violation:** City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 3, Section 304.1, Unsafe conditions, and Chapter 3, Section 304.7, Roofs and drainage.

**Parcel ID:** 701615020220

**Zoning:** R-1

**Code Enforcement:** Bethzaida Delgado

**Appearing Respondent:** Did not appear

**DeLand Testimony:** Officer Delgado testified that as of August 22, 2024, the property has not come into compliance. She 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 3, Section 304.1, Unsafe conditions, and Chapter 3, Section 304.7, Roofs and drainage. 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.

**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 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.

**Case #** CE24-1038

**Location:** 434 S Clara Ave

**Respondent:** Efrain Estrada Rico

**Description:** Accumulations of waste, yard trash, rubble and debris.

**Violation:** City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6(c)(3), Sanitary public nuisances, Chapter 16, Section 16-30, Lot Maintenance, (3) Nuisance Declared, and Chapter 16, Section 16-3, abatement.

**Parcel ID:** 701743000540

**Zoning:** R-1

**Code Enforcement:** Bethzaida Delgado

**Appearing Respondent:** Efrain Estrada Rico

**DeLand Testimony:** Officer Delgado testified that as of August 22, 2024, the property has not come into compliance. She recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 25, Section 25-A-6(c)(3), Sanitary public nuisances, Chapter 16, Section 16-30, Lot Maintenance, (3) Nuisance Declared, and Chapter 16, Section 16-3, abatement. 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 an order will be entered to abate the property at the owner's expense.

**Respondent Testimony:** (Officer Delgado translated for Mr. Rico at his request and with his consent) Mr. Rico stated he is working towards compliance. He should be able to have completed in one to two weeks depending on how much he has to clean up, but would like the maximum allowed time for compliance. He apologizes for the situation, and is very grateful for any extended time allowed.

**Magistrate's Finding:** The property is in violation, and is to come into compliance on or before 5:00 p.m. on October 21, 2024, or The City will abate the property, with the costs being specially assessed as a lien against the Property. A hearing to determine whether respondent has complied is set for October 24, 2024.

**Case # CE24-1147**

**Location:** 217 N Woodland Blvd

**Respondent:** Ketsatha Enterprises, LLC

**Description:** Fire code violations.

**Violation:** City of DeLand Code of Ordinances; Chapter 12, Section 12-10, Florida Fire Prevention Code Adopted by Reference, NFPA 1:50.4.3.2, NFPA 1:50.4.4.3, NFPA 1:50.4.6.1, NFPA 1:10.2.1, NFPA 1:1.12.8, NFPA 1:11.1.4.2, NFPA 1:13.6.4.1.1, NFPA 1:11.1.8, City of DeLand Resolution 2020-07, and Chapter 12, Section 12-10, Fire Inspection Electronic Reporting.

**Parcel ID:** 700901070100

**Zoning:** C-2A

**Code Enforcement:** Richard Lovett

**Appearing Respondent:** Did not appear.

**DeLand Testimony:** Officer Lovett testified that as of August 22, 2024, the property has not come into compliance. He recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 12, Section 12-10, Florida Fire Prevention Code Adopted by Reference, NFPA 1:50.4.3.2, NFPA 1:50.4.4.3, NFPA 1:50.4.6.1, NFPA 1:10.2.1, NFPA 1:1.12.8, NFPA 1:11.1.4.2, NFPA 1:13.6.4.1.1, NFPA 1:11.1.8, City of DeLand Resolution 2020-07, and Chapter 12, Section 12-10, Fire Inspection Electronic Reporting. 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.

**Fire Inspector Testimony:** Inspector Whidden explained the fire codes and provided testimony and photographic evidence of the property's condition showing that the property was in violation of the cited codes.

**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 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.

**Case # CE23-0243**

**Location:** 807 E Wisconsin Ave

**Respondent:** Charles E Palmer Jr & Mary R Palmer

**Description:** The property contains accumulations of waste, yard trash, rubble and debris, causing the property to be an unclean and unsightly nuisance.

**Violation:** City of DeLand Code of Ordinances; Chapter 16, Section 16-30, (3) Nuisance declared, Chapter 16, Section 16-4, Lots, premises, Required to be kept clean, sanitary, and Chapter 16, Section 16-5, Unsanitary lots declared nuisance.

**Parcel ID:** 701013010410                      **Zoning:** R-1B

**Code Enforcement:** Amber Parker

**Appearing Respondent:** Mary Palmer

**DeLand Testimony:** Officer Parker testified that as of August 22, 2024, the property has not come into compliance. She recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 16, Section 16-30, (3) Nuisance declared, Chapter 16, Section 16-4, Lots, premises, Required to be kept clean, sanitary, and Chapter 16, Section 16-5, Unsanitary lots declared nuisance. 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 \$100.00 per day should be imposed beginning on September 24, 2024, and continue until said violation(s) is corrected.

**Respondent Testimony:** Ms. Palmer read a statement on her behalf. She also stated the construction material is for their construction business. Her Husband also does woodwork and the tree logs in the yard are for that purpose, they are not debris.

**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 \$100.00 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.

**Case # CE24-1168**

**Location:** 807 E Wisconsin Ave

**Respondent:** Charles E Palmer Jr & Mary R Palmer

**Description:** The fences on the property have not been maintained, and they are not adequately secured, or designed to withstand stresses, nor are they constructed with approved material.

**Violation:** City of DeLand Code of Ordinances; Chapter 33, Section 33-28.06, Fences and Walls, (i) Maintenance and Chapter 33, Section 33-28.06, (g) Permissible materials.

**Parcel ID:** 701013010410                      **Zoning:** R-1B

**Code Enforcement:** Amber Parker

**Appearing Respondent:** Mary Palmer

**DeLand Testimony:** Officer Parker testified that as of August 22, 2024, the property has not come into compliance. She recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 33, Section 33-28.06,

Fences and Walls, (i) Maintenance and Chapter 33, Section 33-28.06, (g) Permissible materials. 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. Palmer stated she will work on getting permits for the fence and get them up to code.

**Magistrate's Finding:** The property is in violation, but allowed more time for compliance. The property is to come into compliance on or before 5:00 p.m. on October 21, 2024, or a fine of \$100.00 per day shall be imposed as of October 22, 2024, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for October 24, 2024.

**Case # CE24-1169**

**Location:** 807 E Wisconsin Ave

**Respondent:** Charles E Palmer Jr & Mary R Palmer

**Description:** Construction, including, installation of, repairs to and alterations to several structures and fencing has been conducted 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, Chapter 33, Section 33-28.01, (a) Permit required, and Chapter 33, Section 33-28.01, (c) General Requirements.

**Parcel ID:** 701013010410

**Zoning:** R-1B

**Code Enforcement:** Amber Parker

**Appearing Respondent:** Mary Palmer

**DeLand Testimony:** Officer Parker testified that as of August 22, 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, Chapter 33, Section 33-28.01, (a) Permit required, and Chapter 33, Section 33-28.01, (c) General Requirements. 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.

**Respondent Testimony:** Ms. Palmer stated she is working on the fence permit. She has questions about the permitting process and doesn't quite understand the next steps. She will also work on getting the proper storage that meets codes and City Ordinance.

**Magistrate's Finding:** The property is in violation, but allowed more time for compliance. The property is to come into compliance on or before 5:00 p.m. on October 21, 2024, or a fine of \$250.00 per day shall be imposed as of October 22,

2024, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for October 24, 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. He recommended 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 May 21, 2024, 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 May 21, 2024, and continue until said violation is corrected.

**Case # CE23-0520**

**Location:** 237 W Rich Ave

**Respondent:** William and Blanche Weldon

**Description:** Observed that the house is 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 Officer:** Richard Lovett

**Appearing Respondent:** Did not appear.

**DeLand Testimony:** Officer Lovett testified that as of August 20, 2024, the property has not come into compliance. He recommended 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. A fine of \$250.00 per day shall be imposed beginning August 20, 2024, 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 August 20, 2024, and continue until said violation is corrected.

**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 testified that as of July 23, 2024, the property has not come into compliance. He recommended the property is in violation of City of DeLand Code of Ordinances; Chapter 33, Section 33-71.05, Maintenance. A fine of \$250.00 per day shall be imposed beginning July 23, 2024, 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 July 23, 2024, and continue until said violation is corrected.

**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 Seijas

**DeLand Testimony:** Officer Lovett testified that as of July 23, 2024, the property has not come into compliance. He recommended 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 July 23, 2024, and continue until said violation(s) is corrected.

**Representative Testimony:** Mr. Seijas stated he is working to get the permit issued. He is waiting for the subcontractors that are required to be registered with Volusia County.

**Magistrate's Finding:** The property remains in violation and a fine of \$250.00 per day is hereby imposed as of July 23, 2024, and continue until said violation is corrected.

## II. **Continued Cases**

No action items.

## III. **Order of Compliance**

### **Case # 16-0101**

**Location:** 328 S Adelle Ave

**Respondent:** Gwendolyn Young

**Parcel ID:** 701716000130

**Zoning:** R-1

**Code Enforcement Officer:** Amber Parker

**Appearing Respondent:** Did not appear.

**DeLand Testimony:** Property was brought into compliance, no fine due.

**Respondent Testimony:** Did not appear for testimony.

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

### **Case # CE24-0334**

**Location:** 338 E Ohio Ave

**Respondent:** Annie Maude Hardin Miles

**Description:** People were 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 Officer:** Richard Lovett

**Appearing Respondent:** Did not appear.

**DeLand Testimony:** Property was brought into compliance as of August 19, 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** — September 26, 2024

I.    **ADJOURNMENT @ 7:43**