

City of DeLand



Code Enforcement Special Magistrate

J. Zolty Special Magistrate

March 27, 2025
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**

February 27, 2025

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

Vassili Boitchouk, Respondent

James Ryan, Representative

Robert Feasel, Respondent

Anna Kay Feasel, Respondent

OTHERS PRESENT:

Julie Zolty, Special Magistrate

Matthew Branz, City Attorney

F. **NEW BUSINESS**

Finding of Facts, Conclusions of Law Order

Case # CE24-1644

Location: 1315 E Intl Speedway Blvd

Respondent: Vassili & Nadiya Boitchouk

Description: On November 20, 2024, a City of DeLand Code Enforcement Officer was advised by City of DeLand Utility Department that the business was connected to the city sewer without an account.

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.

Parcel ID: 603401000030

Zoning: M-1

Code Enforcement: Richard Lovett

Appearing Respondent: Vassili Boitchouk

DeLand Testimony: Officer Lovett testified that the business was connected to City sewer without an account. As of March 27, 2025, 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 5, 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 April 21, 2025, or a fine of \$250.00 per day should be imposed beginning on April 22, 2025, and continue until said violation(s) is corrected.

Respondent Testimony: Mr. Boitchouk stated he does have an account, he just fell behind on the bill. The Utility Billing Department is requesting at least half the bill be paid in order for services to be restored, and he is trying to save up the money. He does custom wood work and is trying to get his showroom open so he can get work. He has one full time employee and a couple of part time employees.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on April 21, 2025, or a fine of \$250.00 per day shall be imposed as of April 22, 2025, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for April 24, 2025.

Case # CE24-1688

Location: 606 N Clara Ave

Respondent: Jonathan K Lee & Denise A Lee

Description: Work began at the property to install a metal roof but was left incomplete, permit has expired.

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: 700813010060

Zoning: R-1B

Code Enforcement: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Delgado testified that work began at the property to install a metal roof but was left incomplete, and the permit has expired. As of March 25, 2025, 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. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on April 21, 2025, or a fine of \$100.00 per day should be imposed beginning on April 22, 2025, 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 April 21, 2025, or a fine of \$100.00 per day shall be imposed as of April 22, 2025, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for April 24, 2025.

Case # CE25-0017

Location: 324 N Fairview Ave

Respondent: Scottportalhomes LLC

Description: Repair the roof to good condition free of holes and not having defects that admit rain.

Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 3, Section 304, Subsection 304.1, General, and Chapter 3, Section 304, Subsection 304.7, Roofs and drainage.

Parcel ID: 700954010350

Zoning: R-1

Code Enforcement: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Delgado testified that the roof needs to be repaired to good condition free of holes and not having defects that admit rain. As of March 25, 2025, 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, Subsection 304.1, General, and Chapter 3, Section 304, Subsection 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 April 21, 2025, or a fine of \$150.00 per day should be imposed beginning on April 22, 2025, 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 April 21, 2025, or a fine of \$150.00 per day shall be imposed as of April 22, 2025, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for April 24, 2025.

Case # CE25-0081

Location: 326 W Minnesota Ave

Respondent: Robert E Feasel & Anna Kay Feasel

Description: There are multiple unpermitted/unsafe structures on the property being occupied by people.

Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 1, Subsection 108.1.3, Structure unfit for human occupancy, Subsection 108.1.5, Dangerous structure or premises, 3,4,6,7, and 9. Chapter 33, Section 28, Accessory structures, Subsection 28.01, General, (a) Permit required, (b), (c), 2, 3, and Chapter 7, Section 7-2, Local Supplement to the Florida Building Code, Administration, Section 105, Permits, Subsection 105.1, Required.

Parcel ID: 700832000190

Zoning: R-1A

Code Enforcement: Bethzaida Delgado

Appearing Respondent: Robert & Anna Kay Feasel

DeLand Testimony: Officer Delgado testified that there are multiple unpermitted/unsafe structures on the property being occupied by people. As of March 25, 2025, 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 1, Subsection 108.1.3, Structure unfit for human occupancy, Subsection 108.1.5, Dangerous structure or premises, 3,4,6,7, and 9. Chapter 33, Section 28, Accessory structures, Subsection 28.01, General, (a) Permit required, (b), (c), 2, 3, and 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 April 21, 2025, or a fine of \$250.00 per day should be imposed beginning on April 22, 2025, and continue until said violation(s) is corrected.

Respondent Testimony: Mrs. Feasel stated one of the temporary structures is permitted. Mr Feasel stated that 75% of the tarps and the other temporary structures are gone. Requested more time to come into compliance.

Magistrate's Finding: Allowed more time for compliance. The property is in violation, and is to come into compliance on or before 5:00 p.m. on June 23, 2025, or a fine of \$250.00 per day shall be imposed as of June 24, 2025, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for June 26, 2025.

Case # CE25-0086

Location: 326 W Minnesota Ave

Respondent: Robert E Feasel & Anna Kay Feasel

Description: There are accumulations of waste, yard trash, or rubble and debris all throughout the property.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 30, Lot Maintenance, (3) Nuisance declared, (a) Accumulations of waste, yard trash, or rubble and debris, (b) Accumulations of waste, yard trash, or rubble and debris that may harbor rats, snakes or other vermin, or that may contain pools of water that may serve as a breeding ground for insects or other disease vectors and Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property, (2) Keeping, Storing, etc., Prohibited.

Parcel ID: 700832000190 **Zoning:** R-1A

Code Enforcement: Bethzaida Delgado

Appearing Respondent: Robert & Anna Kay Feasel

DeLand Testimony: Officer Delgado testified that there are accumulations of waste, yard trash, or rubble and debris all throughout the property. As of March 25, 2025, 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 30, Lot Maintenance, (3) Nuisance declared, (a) Accumulations of waste, yard trash, or rubble and debris, (b) Accumulations of waste, yard trash, or rubble and debris that may harbor rats, snakes or other vermin, or that may contain pools of water that may serve as a breeding ground for insects or other disease vectors and Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property, (2) Keeping, Storing, etc., Prohibited. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on April 21, 2025, or a fine of \$250.00 per day should be imposed beginning on April 22, 2025, and continue until said violation(s) is corrected.

Respondent Testimony: Mrs. Feasel stated most of the debris and trash is gone. They hired four labors and they took three truckloads of waste out. Mr. Feasel stated it is about 75% done and requested another 90 days for compliance.

Magistrate's Finding: Allowed more time for compliance. The property is in violation, and is to come into compliance on or before 5:00 p.m. on June 23, 2025, or a fine of \$250.00 per day shall be imposed as of June 24, 2025, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for June 26, 2025.

Case # CE25-0169

Location: 326 W Minnesota Ave

Respondent: Robert E Feasel & Anna Kay Feasel

Description: There is a bus, multiple unregistered, abandoned, junked or discarded vehicles, and trailers parked throughout the property.

Violation: City of DeLand Code of Ordinances; Chapter 21, Section 21-01, Abandoned, Junked, Discarded Personal Property. (6) Prima Facie Evidence of Abandonment, etc.

Parcel ID: 700832000190

Zoning: R-1A

Code Enforcement: Bethzaida Delgado

Appearing Respondent: Robert & Anna Kay Feasel

DeLand Testimony: Officer Delgado testified that there is a bus, multiple unregistered, abandoned, junked or discarded vehicles, and trailers parked throughout the property. As of March 25, 2025, the property has not come into compliance. She recommended that the property is in violation of City of DeLand Code of Ordinances; Chapter 21, Section 21-01, Abandoned, Junked, Discarded Personal Property. (6) Prima Facie Evidence of Abandonment, etc. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on April 21, 2025, or a fine of \$250.00 per day should be imposed beginning on April 22, 2025, and continue until said violation(s) is corrected.

Respondent Testimony: Mr. Feasel stated the white truck and car has been moved, he will move the motorcycle if he needs to. He stated the tags were stolen off some of the vehicles. He stated the bus is a R.V. he got five years ago, and he just got it running. He needs to get tires for the trailer in order for him to move it.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on April 21, 2025, or a fine of \$250.00 per day shall be imposed as of April 22, 2025, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for April 24, 2025.

Case # CE25-0167

Location: 250 W Highland Ave

Respondent: Oregon LLC

Description: On February 26, 2025, a City of DeLand Code Enforcement Officer observed that the roof, flashing, and roofing components were not sound, tight and have defects that admit rain.

Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019 02, Chapter 3, Section 304.1.1, Unsafe conditions, and Chapter 3, Section 304.7, Roofs and drainage.

Parcel ID: 701620030220

Zoning: R-1

Code Enforcement: Amber Parker

Appearing Representative: James Ryan

DeLand Testimony: Officer Parker testified that the roof, flashing, and roofing components were not sound, tight and have defects that admit rain. As of March 25, 2025, 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 304.1.1, Unsafe conditions, and Chapter 3, Section 304.7, Roofs and drainage. A fine shall be imposed in the amount of \$500.00 per day, beginning on February 26, 2025, and continue until said violation(s) is corrected, as this is a repeat violation pursuant to §162.04(5) Fla. Stat. (2022).

Representative Testimony: Mr. Ryan stated he has filed for an eviction on February 10, 2025 to remove the tenants. He has been in the hospital for a while but he will be going by the property to check it out, and will be apply for a permit.

Magistrate's Finding: The property is in violation, and a fine shall be imposed in the amount of \$500.00 per day, beginning on February 26, 2025, and continue until said violation(s) is corrected, as this is a repeat violation pursuant to §162.04(5) Fla. Stat. (2022).

Case # CE25-0168

Location: 250 W Highland Ave

Respondent: Oregon LLC

Description: On February 26, 2025, a City of DeLand Code Enforcement Officer observed electrical facilities and equipment that are not properly installed or in a safe and approved manner.

Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019 02, Chapter 6, Section 601.2, Responsibility, Section 604.1, Facilities required, Section 604.3, Electrical system hazards, and Section 605.1, Electrical equipment.

Parcel ID: 701620030220 **Zoning:** R-1

Code Enforcement: Amber Parker

Appearing Representative: James Ryan

DeLand Testimony: Officer Parker testified that she observed electrical facilities and equipment that are not properly installed or in a safe and approved manner. As of March 25, 2025, 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 6, Section 601.2, Responsibility, Section 604.1, Facilities required, Section 604.3, Electrical system hazards, and Section 605.1, Electrical equipment. A fine shall be imposed in the amount of \$500.00 per day, beginning on February 26, 2025, and continue until said violation(s) is corrected, as this is a repeat violation pursuant to §162.04(5) Fla. Stat. (2022).

Deputy Building Official Testimony: Mr. Lawton stated the Service Access Point Cover on the Water Heater has been removed, and the electrical components are exposed. Mr. Lawton shut the power off to the home to stop children from sticking their fingers in it and getting electrocuted.

Representative Testimony: Mr. Ryan stated the electrical issues will be repaired within 30 days and he will obtain a permit.

Magistrate's Finding: The property is in violation, and a fine shall be imposed in the amount of \$500.00 per day, beginning on February 26, 2025, and continue until said violation(s) is corrected, as this is a repeat violation pursuant to §162.04(5) Fla. Stat. (2022).

G. OLD BUSINESS

I. **Order Imposing Fine/Lien**

Case # CE24-1317

Location: 1455 N McDonald Ave

Respondent: Flex Builders Group DeLand LLC

Description: The grass or weeds has been allowed to grow, in excess of 12 inches tall, in such manner to materially impede vision, along with accumulations of waste, yard trash, rubble and debris throughout the property.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 16-30, Lot maintenance, (3) Nuisance declared, and Chapter 33, Section 33-90.03, Streets, (o) Clear visibility triangle.

Parcel ID: 700300000040 **Zoning:** C-4

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of March 25, 2025, the property has not come into compliance. The property is in violation of City of DeLand Code of Ordinances; Chapter 16, Section 16-30, Lot maintenance, (3) Nuisance declared, and Chapter 33, Section 33-90.03, Streets, (o) Clear visibility triangle. Officer Parker recommended the case be continued to the May 22, 2025 hearing to give the respondents additional time to come into compliance.

Representative Testimony: Did not appear for testimony.

Magistrate's Finding: The property remains in violation, the case was continued to the May 22, 2025 hearing.

Case # CE25-0020

Location: 229 W Rich Ave

Respondent: Blanche Weldon

Description: Wood replacement being done without a certificate of appropriateness from the historic board.

Violation: City of DeLand Code of Ordinances; Chapter 33, Section 33-34-03, Certificates of appropriateness. (a) When required. 1. A certificate of appropriateness shall be required for any of the following activities on properties within designated Historic Districts and individually designated historic properties. (a) Any material change or alteration in the exterior appearance of existing buildings objects or structures. (4) A certificate of appropriateness shall be a prerequisite to the issuance of any other permits required by law. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits or approvals required by the City of DeLand. A building permit or other municipal permit shall be invalid if it is obtained without a certificate of appropriateness required for the proposed work.

Parcel ID: 700909000011

Zoning: R-1A&H

Code Enforcement Officer: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Lovett testified that as of March 25, 2025, the property has not come into compliance. He recommended the property is in violation of City of DeLand Code of Ordinances; Chapter 33, Section 33-34-03, Certificates of appropriateness. (a) When required. 1. A certificate of appropriateness shall be required for any of the following activities on properties within designated Historic Districts and individually designated historic properties. (a) Any material change or alteration in the exterior appearance of existing buildings objects or structures. (4) A certificate of appropriateness shall be a prerequisite to the issuance of any other permits required by law. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits or approvals required by the City of DeLand. A building

permit or other municipal permit shall be invalid if it is obtained without a certificate of appropriateness required for the proposed work. A fine of \$250.00 per day should be imposed beginning March 25, 2025, 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 March 25, 2025, and continue until said violation is corrected.

II. **Continued Cases**

Case # CE25-0015

Location: 435 W Walts Ave

Respondent: Legacy Investments of Central Florida LLC

Description: The renovation to the home was constructed without the required permit(s).

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: 701710160430 **Zoning:** R-1

Code Enforcement Officer: Richard Lovett

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Lovett requested the case to be continued to the April 24, 2025 hearing to allow time for the owner to obtain the required permits.

Representative Testimony: Did not appear for testimony.

Magistrate's Finding: The case was continued to the April 24, 2025 hearing.

Case # CE24-1318

Location: 507 W Hogle Ave

Respondent: Mae Lorenzo-Durrance & Catherine Samuels

Description: There are multiple vehicles parked throughout the property on the grass.

Violation: City of DeLand Code of Ordinances; Chapter 33, Section 33-17.01, R-1A, Parking on grass and sidewalks is prohibited and Section 33-91.03, (e) The term "tandem parking space".

Parcel ID: 700804050050 **Zoning:** R-1A

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Delgado requested the case to be continued to the May 22, 2025 hearing to allow time for the owner to obtain the required permits.

Representative Testimony: Did not appear for testimony.

Magistrate's Finding: The case was continued to the May 22, 2025 hearing.

III. Order of Compliance

Case # CE24-0346

Location: 326 S Parsons Ave

Respondent: Darayavaus C Grayon & Banae J Grayan

Description: An exterior door was installed at the property without a 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: 701718000090

Zoning: R-1

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of March 05, 2025, no fine due.

Respondent Testimony: Did not appear for testimony.

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

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: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of March 11, 2025, fine due \$25,000.00.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, Fine due \$25,000.00.

IV. Lien Reduction

No action items

H. NEXT MEETING DATE — April 24, 2025

I. ADJOURNMENT @ 6:36