

City of DeLand



Code Enforcement Special Magistrate

J. Zolty Special Magistrate

**February 23, 2023
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

January 26, 2023

E. Swearing in of Witnesses:

Larry Hites, Deputy Building Official
Bethzaida Delgado, Code Enforcement Officer
Amber Parker, Code Enforcement Officer
Elijah Von DeBaron – Respondent
Shellie Robinson – Respondent
John Mantineau – Respondent

Others present:

Julie Zolty, Special Magistrate
Matthew Branz, City Attorney

F. Old Business

I. Order of Compliance

Case # CE22-0238

Location: 308 N High St

Respondent: David Webster

Description: The property previously contained an abandoned or junked recreational vehicle.

Violation: City of DeLand Code of Ordinances; Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property, (2) Keeping, Storing, etc., Prohibited, and Chapter 33, Section 91.022, Parking restrictions for recreational vehicles.

Parcel ID: 700836030190

Zoning: R-1B

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of February 10, 2023, Fines due \$1,800.00.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, Fines due \$1,800.00.

Case # CE22-0339

Location: 232-234 S Clara Ave

Respondent: Big Bubba Investments, LLC

Description: Permit BD20-1289 expired without the required inspections, therefore making the permit null and void.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section 2, Local Supplement to the Florida Building Code, Administration, Section 105, Permits, Subsection 105.1, Required.

Parcel ID: 701710080210 **Zoning:** P-1

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of February 08, 2023. Fines due \$25,000.00.

Respondent Testimony: Did not appear for testimony.

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

I. 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. Parking is prohibited on front lawns and 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: Did not appear.

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 \$8,757.00 and that the applicant shall pay the reduced lien amount within 15 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: Did not appear for testimony.

Magistrate's Finding: Recommended lien reduction in the amount of \$8757.00.

Case # 17-1000 AKA CE21-0223

Location: 905 E Wisconsin Ave

Respondent: Arely Duarte-Gomez

Description: Two buildings and a large dog house had been erected.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section. 2 Local Supplement to the Florida Building Code, Administration, Section 105, Permits, Subsection 105.1, Required.

Parcel ID: 701015000220

Zoning: R-1A

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

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 \$6,500.00 to \$4,303.00 and that the applicant shall pay the reduced lien amount within 15 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: Did not appear for testimony.

Magistrate's Finding: Recommended lien reduction in the amount of \$4,303.00.

II. Continued Cases

Case # CE22-0486

Location: 226 S Hill Ave

Respondent: 226 S Hill LLC

Description: The house contains bedroom egress windows that are screwed shut.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section 2, Local Supplement to the Florida Building Code, Administration, Section 104.6, Requirements not covered by code.

Parcel ID: 701507030010 **Zoning:** R-1

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker requested that the case be continued to the March 23, 2023 hearing to allow time for the owner to gain compliance

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: The case was continued to the March 23, 2023 hearing.

III. **Order Imposing Fine/Lien**

No action Items

G. **New Business**

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

Case # CE21-0037

Location: 234 S Marydell Ave

Respondent: Shellie Marie Robinson

Description: A new roof was installed without the required permit.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section 2, Local Supplement to the Florida Building Code, Administration, Section 105, Permits, Subsection 105.1, Required.

Parcel ID: 701702040190 **Zoning:** R-1A

Code Enforcement: Amber Parker

Appearing Respondent: Shellie Marie Robinson.

DeLand Testimony: Officer Parker testified that as of February 22, 2023, 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 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 March 20, 2023, or a fine of \$100.00 per day should be imposed beginning on March 21, 2023, and continue until said violation(s) is corrected.

Respondent Testimony: Stated when she purchased the home she was told there was a new roof installed. She was unaware of permit issues. She is working on obtaining a permit. She asked for more time to come into compliance as she is pursuing legal actions against previous owners.

Magistrate's Finding: The property is in violation, and was given 60 days to come into compliance, therefore the property is to come into compliance on or before 5:00 p.m. on April 24, 2023, or a fine of \$100.00 per day should be imposed as of April 25, 2023, and continue until said violation(s) is corrected. A hearing to determine whether respondent has complied is set for April 27, 2023.

Case # CE23-0029

Location: 622 E Church St

Respondent: Joseph Evans, Jr, Trustee of Jeers401K Trust

Description: The property contains accumulations of waste, yard trash, rubble, debris, discarded personal property, and trash cans left at the curbside.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 30, Lot Maintenance, (3) Nuisance Declared, Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property, (2) Keeping, Storing, etc., Prohibited, Chapter 15, Section 4.1, Storage of garbage cans, garbage containers, recycling containers, and yard trash, and Chapter 15, Section 4.2, Placing garbage cans, garbage containers, recycling containers and yard trash at curbside; hours permitted.

Parcel ID: 700957000230

Zoning: R-1

Code Enforcement: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of February 16, 2023, the property is in compliance, but did not come into compliance by the required compliance date of February 02, 2023. Staff recommended that the property be found in violation of City of DeLand Code of Ordinances; Chapter 16, Section 30, Lot Maintenance, (3) Nuisance Declared, Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property, (2) Keeping, Storing, etc., Prohibited, Chapter 15, Section 4.1, Storage of garbage cans, garbage containers, recycling containers, and yard trash, and Chapter 15, Section 4.2, Placing garbage cans, garbage containers, recycling containers and yard trash at curbside; hours permitted, and any violation of the same code provision by the Respondent within five (5) years from the date of this Order shall be treated as a repeat violation, wherein the Special Magistrate may impose a fine of up to \$500.00 per day for each day the violation exists.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Magistrate's Finding: The property was in violation and any violation of the same code provision by the Respondent within five (5) years from the date of this Order shall be treated as a repeat violation. No fine due at this time.

Case # CE22-0503

Location: 415 E Beresford Ave

Respondent: Elijah Von Debaron

Description: Two air conditioning systems were installed at the property without the required permits.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section 2, Local Supplement to the Florida Building Code, Administration, Section 105, Permits, Subsection 105.1, Required.

Parcel ID: 701640000450

Zoning: R-1B

Code Enforcement: Bethzaida Delgado

Appearing Respondent: Elijah Von Debaron

DeLand Testimony: Officer Delgado testified that as of February 21, 2023, 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 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 March 20, 2023, or a fine of \$150.00 per day should be imposed beginning on March 21, 2023, and continue until said violation(s) is corrected.

Respondent Testimony: Stated he does not agree with The City. Respondent stated that the units are not connected to electric and, as such, a permit was not necessary. He stated he will apply for a permit. Respondent requested more time.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on March 20, 2023, or a fine of \$150.00 per day should be imposed as of March 21, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for March 23, 2023.

Case # CE23-0007

Location: 106 N Woodland Blvd

Respondent: John Martineau

Description: The roof and flashing was not sound, tight, and had defects that admit rain. Additionally, roof work was performed without the required permit.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section 2, Local Supplement to the Florida Building Code, Administration, Section 105, Permits,

Subsection 105.1, Required, and City of DeLand Code of Ordinance, International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 3, Section 304.7, Roofs and drainage.

Parcel ID: 700901030013 **Zoning:** C-2A

Code Enforcement: Amber Parker

Appearing Respondent: John Martineau

DeLand Testimony: Officer Parker testified that as of February 20, 2023, the property has not come into compliance; she recommended that the property is in violation of City of DeLand Chapter 7, Section 2, Local Supplement to the Florida Building Code, Administration, Section 105, Permits, Subsection 105.1, Required, and City of DeLand Code of Ordinance, International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, 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 March 20, 2023, or a fine of \$250.00 per day should be imposed beginning on March 21, 2023, and continue until said violation(s) is corrected.

Respondent Testimony: Stated he will work on obtaining a permit. He stated he is working with an insurance company and is waiting on its response. Respondent requested more time.

Magistrate's Finding: The property is in violation and is to come into compliance on or before 5:00 p.m. on March 20, 2023 or a fine of \$250.00 per day should be imposed as of March 21, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for March 23, 2023.

Case # CE23-0092

Location: 508 Bramble Fern Ave

Respondent: Prudent Home, LLC

Description: The trash containers were continually stored at the road and not in compliance with the code.

Violation: City of DeLand Code of Ordinances; Chapter 15, Section 4.1, Storage of garbage cans, garbage containers, recycling containers, yard trash, and Chapter 15, Section 4.2, Placing garbage cans, garbage containers, recycling containers and yard trash at curbside; hours permitted.

Parcel ID: 700711000630 **Zoning:** R-1AA

Code Enforcement: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of February 17, 2023, the property is in compliance, but did not come into compliance by the required compliance date of November 29, 2022. Staff recommended that the property be

found in violation of City of DeLand Code of Ordinances; Chapter 15, Section 4.1, Storage of garbage cans, garbage containers, recycling containers, yard trash, and Chapter 15, Section 4.2, Placing garbage cans, garbage containers, recycling containers and yard trash at curbside; hours permitted, and any violation of the same code provision by the Respondent within five (5) years from the date of this Order shall be treated as a repeat violation, wherein the Special Magistrate may impose a fine of up to \$500.00 per day for each day the violation exists.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Magistrate's Finding: The property was in violation and any violation of the same code provision by the Respondent within five (5) years from the date of this Order shall be treated as a repeat violation. No fine due at this time.

H. Next Meeting Date – March 23, 2023

I. Adjournment @ 6:11 PM