

City of DeLand



Code Enforcement Special Magistrate

L. Johnson Special Magistrate

March 23, 2023
Hearing Minutes

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

A. Call to Order at 5:01 PM

B. Pledge of Allegiance

C. Format for Proceedings

D. Approval of Minutes

February 23, 2023

E. Swearing in of Witnesses:

Joseph Levrault, Chief Building Official
Bethzaida Delgado, Code Enforcement Officer
Amber Parker, Code Enforcement Officer
John Martineau, Respondent
Nick Guadagnino, Representative
Mitch Feinsod, Representative

Others present:

Lucien Johnson, Special Magistrate
Matthew Branz, City Attorney

F. Old Business

I. Order of Compliance

Case # CE21-0201 AKA 15-0800

Location: 613 S Garfield Ave

Respondent: Downer Newton and Steven A. Henry

Description: A boat and two abandoned or junked vehicles with expired or no tags where previously on the property.

Violation: City of DeLand Code of Ordinances; Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property, (2) Keeping, Storing, etc., Prohibited.

Parcel ID: 701633000250

Zoning: R-1

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of June 19, 2016, Fines due \$25,000.00.

Respondent Testimony: Did not appear for testimony.

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

II. Lien Reduction

Case # CE21-0201 AKA 15-0800

Location: 613 S Garfield Ave

Respondent: Downer Newton and Steven A. Henry

Description: The property previously contained a boat and two abandoned or junked vehicles with expired or no tags.

Violation: City of DeLand Code of Ordinances; Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property, (2) Keeping, Storing, etc., Prohibited.

Parcel ID: 701633000250

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 \$2,800.00 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 \$2,800.00.

III. Continued Cases

No action Items

IV. Order Imposing Fine/Lien

Case # CE22-0486

Location: 226 S Hill Ave

Respondent: 226 S Hill LLC

Description: The house contains bedroom egress windows that were 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 Representative: Nick Guadagnino

DeLand Testimony: Officer Parker requested that the case be continued to the April 27, 2023 hearing to allow time for the owner to gain compliance.

Representative Testimony: Nick Guadagnino

Magistrate's Finding: The case was continued to the April 27, 2023 hearing.

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 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: 701640000450 **Zoning:** R-1B

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear

DeLand Testimony: Officer Delgado testified that as of March 22, 2023, the property has not come into compliance. 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. A fine of \$150.00 per day should be imposed beginning March 21, 2023, 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 \$150.00 per day is hereby imposed as of March 21, 2023, and continue until said violation is corrected.

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, and roof work 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 Officer: Amber Parker

Appearing Respondent: John Martineau

DeLand Testimony: Officer Parker testified that as of March 23, 2023, the property has not come into compliance. 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, 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. A fine of \$250.00 per day shall be imposed beginning March 21, 2023, 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 21, 2023, and continue until said violation is corrected.

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 Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of March 09, 2023 the property was 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. The Respondent was previously found in violation of the same ordinance on February 23, 2023, Case No. CE23-0092. The property was brought into compliance on March 17, 2023. The property was in violation from March 09, 2023 through March 17,

2023, for a total of 8 days. A fine of \$300.00 should be imposed for the 8 days in which the property was in violation for a total of \$2,400.00.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: The property was 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. The Respondent was previously found in violation of the same ordinance on February 23, 2023 in Case No. CE23-0092. As such, this matter constitutes a Repeat Violation. The property was in violation from March 09, 2023 through March 17, 2023, for a total of 8 days. It is the Order of this Special Magistrate that a fine in the amount of \$300.00 per day is hereby imposed for the 8 days in which the property was in violation for a total of \$2,400.00.

G. New Business

I. Finding of Facts, Conclusions of Law Order

Case # CE23-0082

Location: 845 N Amelia Ave

Respondent: Maria A Zapien, Maria A Benitez and Alexis Zapien

Description: The property contains accumulations of discarded personal property, waste, yard trash, rubble, debris and the grass or weeds were in excess of 12 inches tall.

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, and Chapter 16, Section 4, Lots, premises.

Parcel ID: 700943000070

Zoning: R-1B

Code Enforcement: Bethzaida Delgado

Appearing Respondent: Did not appear

DeLand Testimony: Officer Delgado testified that as of March 20, 2023, 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, Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property. (2) Keeping, Storing, and Chapter 16, Section 4, Lots, premises. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on April 24, 2023, or a fine of \$200.00 per day should be imposed beginning on April 25, 2023, 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 24, 2023, or a fine of \$200.00 per day shall be imposed as of April 25, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for April 27, 2023.

Case # CE23-0086

Location: 830 N Clake St

Respondent: Magna Holdings LLC

Description: The premises is not being maintained and has accumulations of waste, yard trash, rubble or debris all throughout.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 30, Lot Maintenance, (3) Nuisance Declared, and Chapter 16, Section 4, Lots, premises.

Parcel ID: 700928030020 **Zoning:** R-12

Code Enforcement: Amber Parker

Appearing Representative: Mitch Feinsod

DeLand Testimony: Officer Parker testified that as of March 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 16, Section 30, Lot Maintenance, (3) Nuisance Declared, and Chapter 16, Section 4, Lots, premises. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on April 24, 2023, or a fine of \$200.00 per day should be imposed beginning on April 25, 2023, and continue until said violation(s) is corrected.

Representative Testimony: Stated he is working on cleaning up the trash.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on April 24, 2023, or a fine of \$200.00 per day shall be imposed as of April 25, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for April 27, 2023.

Case # CE23-0127

Location: 830 N Clake St

Respondent: Magna Holdings LLC

Description: The garbage containers and recycling containers are not being stored in full compliance with the code.

Violation: City of DeLand Code of Ordinances; 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: 700928030020

Zoning: R-12

Code Enforcement: Amber Parker

Appearing Respondent: Mitch Feinsod

DeLand Testimony: Officer Parker testified that as of March 20, 2023, the property has not come into compliance, she recommended that the property is in violation of City of DeLand Code of Ordinances; 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. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on April 24, 2023, or a fine of \$200.00 per day should be imposed beginning on April 25, 2023, and continue until said violation(s) is corrected.

Respondent Testimony: Mitch stated he is working on cleaning up the trash. He presented a receipt on behalf of the LLC as evidence they have paid for a dumpster and waiting for it to be delivered. Once dumpster is delivered it will replace the trash cans and they will be removed.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on April 24, 2023, or a fine of \$200.00 per day shall be imposed as of April 25, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for April 27, 2023.

H. Next Meeting Date – April 27, 2023

I. Adjournment @ 5:57 PM