

# City of DeLand



## Code Enforcement Special Magistrate

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

January 26, 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**

December 08, 2022

**E. Swearing in of Witnesses:**

Larry Hites, Deputy Building Official  
Bethzaida Delgado, Code Enforcement Officer  
Amber Parker, Code Enforcement Officer  
Mohamed Rashad, Respondent  
Devin Johnson, Respondent

**Others present:**

Julie Zolty, Special Magistrate  
Matthew Branz, City Attorney

**F. Old Business**

**I. Lien Reduction**

No Action Items

**II. Continued Cases**

**Case #** CE22-0486

**Location:** 226 S Hill Ave

**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

**Respondent:** 226 S Hill LLC

**Appearing Representative:** Did not appear.

**DeLand Testimony:** Officer Parker requested that the case be continued to the February 23, 2023 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 February 23, 2023 hearing

### III. Order Imposing Fine/Lien

**Case #** CE22-0238

**Location:** 308 N High St

**Description:** The property contains 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

**Respondent:** David Webster

**Appearing Respondent:** Did not appear.

**DeLand Testimony:** Officer Delgado testified that as of January 24, 2023, the property has not come into compliance. The property is in violation of 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. A fine of \$100.00 per day shall be imposed beginning January 24, 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 \$100.00 per day is hereby imposed as of January 24, 2023, and continue until said violation is corrected.

**Case #** CE22-0339

**Location:** 232-234 S Clara Ave

**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. The Respondent was previously found in violation on May 28, 2020, Case No. 20-0501; causing this violation to be a repeat violation.

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

**Code Enforcement Officer:** Amber Parker

**Respondent:** Big Bubba Investments, LLC

**Appearing Representative:** Mohamed Rashad

**DeLand Testimony:** Officer Parker testified that as of January 25, 2023, the Respondent has failed to maintain his permit or obtain a new permit for the work performed, therefore the property remains in violation. 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 was previously found in violation of the same ordinance on May 28, 2020, Case No. 20-0501. A fine of \$500.00 per day shall be imposed beginning December 13, 2022, and continue until said violation(s) is corrected.

**Representative Testimony:** Stated he does not agree with The City and does not understand the reason he needs to get a permit.

**Magistrate's Finding:** 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 was previously found in violation of the same ordinance on May 28, 2020 in Case No. 20-0501. As such, this matter constitutes a Repeat Violation. A fine of \$500.00 per day is hereby imposed as of December 13, 2022, and continue until said violation is corrected.

**Case # CE22-0411**

**Location:** 1020 E Howry Ave

**Description:** The property contains accumulations of yard trash, rubble or debris, and the grass or weeds are in excess of 12 inches tall.

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

**Parcel ID:** 701507030320                      **Zoning:** R-1

**Code Enforcement Officer:** Amber Parker

**Respondent:** Duane E. Makowski

**Appearing Respondent:** Did not appear.

**DeLand Testimony:** Officer Parker testified that as of January 24, 2023, the property has not come into compliance. The property is in violation of City of DeLand Code of Ordinances; Chapter 16, Section 30, Lot Maintenance, (3) Nuisance Declared. A fine of \$100.00 per day shall be imposed beginning January 24, 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 \$100.00 per day is hereby imposed as of January 24, 2023, and continue until said violation is corrected.

**Case # CE22-0517**

**Location:** 1020 E Howry Ave

**Description:** The structures have started collapsing due to deterioration and neglect, causing them to be unsafe for use or occupancy.

**Violation:** City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 1, Section 108.1.5, Dangerous structure or premises.

**Parcel ID:** 701507030320      **Zoning:** R-1

**Code Enforcement Officer:** Amber Parker

**Respondent:** Duane E. Makowski

**Appearing Respondent:** Did not appear.

**DeLand Testimony:** Officer Parker testified that as of January 24, 2023, the property has not come into compliance. 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, Section 108.1.5, Dangerous structure or premises. A fine of \$150.00 per day shall be imposed beginning January 24, 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 January 24, 2023, and continue until said violation is corrected.

**Case # CE22-0518**

**Location:** 1020 E Howry Ave

**Description:** The exterior walls and roof are not free of holes and contain cracks, breaks or loose rotting materials.

**Violation:** City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 3, Section 304, Exterior Structure, Subsection 1.1, Unsafe conditions.

**Parcel ID:** 701507030320      **Zoning:** R-1

**Code Enforcement Officer:** Amber Parker

**Respondent:** Duane E. Makowski

**Appearing Respondent:** Did not appear.

**DeLand Testimony:** Officer Parker testified that as of January 24, 2023, the property has not come into compliance. 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, Exterior Structure, Subsection 1.1, Unsafe conditions. A fine of \$150.00 per day shall be imposed beginning January 24, 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 January 24, 2023, and continue until said violation is corrected.

## **G. New Business**

### **I. Finding of Facts, Conclusions of Law Order**

**Case #** CE22-0324

**Location:** 125 N Clara Ave

**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:** 700962000082

**Zoning:** R1-A

**Code Enforcement:** Amber Parker

**Respondent:** Mohamed Rashad

**Appearing Respondent:** Mohamed Rashad

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

**Respondent Testimony:** Stated he does not agree with The City and asked for more time to come into compliance.

**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 March 27, 2023, or a fine of \$150.00 per day should be imposed as of March 28, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for April 27, 2023.

## II. Order of Compliance

### **Case # CE21-0079**

**Location:** 614 E Highland Ave

**Description:** The property did contain 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 1.02, Parking restrictions for commercial vehicles. Chapter 33, Section 91, Number and Type of Parking Spaces Required, and Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property.

**Parcel ID:** 701624000090      **Zoning:** R-1

**Code Enforcement Officer:** Bethzaida Delgado

**Respondent:** Devon Johnson

**Appearing Respondent:** Devon Johnson

**DeLand Testimony:** Property was brought into compliance as of December 06, 2022, Fines due \$25,000.00.

**Respondent Testimony:** Agreed with compliance.

**Magistrate's Finding:** Order of Compliance entered.

### **Case # CE22-0062**

**Location:** 1652 Blue Grass Blvd

**Description:** A pergola, outdoor kitchen and electrical work was constructed 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:** 702211002840      **Zoning:** PD

**Code Enforcement Officer:** Bethzaida Delgado

**Respondent:** Jiann D Paredes Alvarado & Jose Leoncio Paredes Aguilar

**Appearing Respondent:** Did not appear.

**DeLand Testimony:** Property was brought into compliance as of December 14, 2022. No fines due.

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

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

### **Case # CE22-0359**

**Location:** 651 W Blue Lake Ter

**Description:** The property did contain grass or weeds in excess of 12 inches tall.

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

**Parcel ID:** 603306010010      **Zoning:** C-2

**Code Enforcement Officer:** Bethzaida Delgado

**Respondent:** Marcella F. Christenberry EST

**Appearing Respondent:** Did not appear.

**DeLand Testimony:** Property was brought into compliance as of December 29, 2022. No fines due.

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

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

**Case # CE22-0450**

**Location:** 901 S Florida Ave

**Description:** The business had been operating without the required business tax receipt.

**Violation:** City of DeLand Code of Ordinances; Chapter 17, Licenses Section 1001, Required.

**Parcel ID:** 702100000861

**Zoning:** C-2

**Code Enforcement Officer:** Bethzaida Delgado

**Respondent:** Peralta Real Estate Investments, LLC

**Appearing Respondent:** Did not appear.

**DeLand Testimony:** Property was brought into compliance as of January 18, 2023. No fines due.

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

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

**Case # CE22-0487**

**Location:** 625 Champions Gate Blvd

**Description:** A deck was constructed on 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:** 702211002010

**Zoning:** P-D

**Code Enforcement Officer:** Bethzaida Delgado

**Respondent:** Arllin Devon Melendez

**Appearing Respondent:** Did not appear

**DeLand Testimony:** Property was brought into compliance as of December 19, 2022. No fines due.

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

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

**H. Next Meeting Date – February 23, 2023**

**I. Adjournment @ 6:19 PM**