

City of DeLand



Code Enforcement Special Magistrate

J. Zolty Special Magistrate

**April 27, 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**

March 23, 2023

E. **SWEARING IN OF WITNESSES:**

Joseph Levrault, Chief Building Official

Bethzaida Delgado, Code Enforcement Officer

Amber Parker, Code Enforcement Officer

Michael Cianciarulo, Representative

Milton Wilson, Respondent

Louis LaRusso, Witness

Marcus Duncan, Witness

Others present:

Julie Zolty, Special Magistrate

Matthew Branz, City Attorney

F. **NEW BUSINESS**

I. FINDING OF FACTS, CONCLUSIONS OF LAW ORDER

Case # CE22-0550

Location: 430 W Winnemissett Ave

Respondent: Milton Wilson

Description: The house has been renovated 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: 700902410020

Zoning: R-1

Code Enforcement: Amber Parker

Appearing Respondent: Milton Wilson

DeLand Testimony: Officer Parker testified that as of April 24, 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 May 22, 2023, or a fine of \$250.00 per day should be imposed beginning on May 23, 2023, and continue until said violation(s) is corrected.

Respondent Testimony: stated that he will obtain a permit for the work done throughout the property and will otherwise return the carport to the original form.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on May 22, 2023, or a fine of \$250.00 per day shall be imposed as of May 23, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for May 25, 2023.

Case # CE23-0134

Location: 508 Bramble Fern Ave

Respondent: Prudent Home LLC

Description: The owner of the single-family dwelling continues to allow different occupants abode in the dwelling unit for less than 30 days, which is not permitted in a single-family dwelling.

Violation: City of DeLand Code of Ordinances; Chapter 33, Section 12, Family means any one of the following, when living together in a dwelling unit or using it as a common place of abode for 30 days or more in any three-month period: Dwelling, single-family, means a building designed for or occupied exclusively by one family with independent cooking and bathroom facilities. there is no development permit for the property allowing it to operate as a bed and breakfast homestay or Airbnb and therefore the property's primary purpose is a single-family residence.

Parcel ID: 700711000630

Zoning: R-1AA

Code Enforcement: Amber Parker

Appearing Witness: Louis LaRusso and Marcus Duncan

DeLand Testimony: Officer Parker testified that as of April 26, 2023, 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 12, Family means any one of the following, when living together in a dwelling unit or using it as a common place of abode for 30 days or more in any three-month period: Dwelling, single-family, means a building designed for or occupied exclusively by one family with independent cooking and bathroom facilities. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on May 22, 2023, or a fine of \$250.00 per day should be imposed beginning on May 23, 2023, and continue until said violation(s) is corrected.

Witness Testimony: Neighbor, Mr. Duncan stated that multiple parties have occupied the house within a 30 day period as well as excessive traffic, parking

issues, and trash not being picked up regularly is causing a nuisance. HOA Director, Mr. LaRusso stated during Bike Week a trailer with 12 motorcycles was brought in, and the HOA has received several complaints.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on May 22, 2023, or a fine of \$250.00 per day shall be imposed as of May 23, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for May 25, 2023.

Case # CE22-0494

Location: 219 N Garfield Ave

Respondent: CMA Volusia properties LLC

Description: The property contains a dangerous structure by way of deterioration or neglect and an unmaintained fence.

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, and Chapter 33, Section 28.06, Fences and Walls. (i) Maintenance.

Parcel ID: 700958000040

Zoning: R-1

Code Enforcement: Amber Parker

Appearing Representative: Michael Cianciarulo

DeLand Testimony: Officer Parker testified that as of April 21, 2023, 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, Section 108.1.5, Dangerous structure or premises, and Chapter 33, Section 28.06, Fences and Walls. (i) Maintenance. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on May 22, 2023, or a fine of \$250.00 per day should be imposed beginning on May 23, 2023, and continue until said violation(s) is corrected.

Representative Testimony: Mr. Cianciarulo stated the fence is down, and he is working to remove garage that is not feasible to repair.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on May 22, 2023, or a fine of \$250.00 per day shall be imposed as of May 23, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for May 25, 2023.

Case # CE23-0237

Location: 219 N Garfield Ave

Respondent: CMA Volusia properties LLC

Description: The R-1 zoned property continues to have commercial vehicles stored on the property.

Violation: City of DeLand Code of Ordinances; Chapter 33, Section 91.021, Parking restrictions for commercial vehicles. (a) Residential and professional-residential districts.

Parcel ID: 700958000040

Zoning: R-1

Code Enforcement: Amber Parker

Appearing Representative: Michael Cianciarulo

DeLand Testimony: Officer Parker testified that as of April 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 33, Section 91.021, Parking restrictions for commercial vehicles. (a) Residential and professional-residential districts. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on May 22, 2023, or a fine of \$200.00 per day should be imposed beginning on May 23, 2023, and continue until said violation(s) is corrected.

Representative Testimony: Mr. Cianciarulo stated he has informed the tenants to remove the vehicles.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on May 22, 2023, or a fine of \$200.00 per day shall be imposed as of May 23, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for May 25, 2023.

Case # CE23-0240

Location: 219 N Garfield Ave

Respondent: CMA Volusia properties LLC

Description: The property contains waste, yard trash, rubble, debris, junked, dismantled, nonoperative, and discarded personal property.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 30, Lot Maintenance, (3) Nuisance Declared, and Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property. (2) Keeping, Storing, etc., Prohibited.

Parcel ID: 700958000040

Zoning: R-1

Code Enforcement: Amber Parker

Appearing Representative: Michael Cianciarulo

DeLand Testimony: Officer Parker testified that as of April 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 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 May 22, 2023, or a fine of \$200.00 per day should be imposed beginning on May 23, 2023, and continue until said violation(s) is corrected.

Representative Testimony: Mr. Cianciarulo stated the trash has been cleaned up.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on May 22, 2023, or a fine of \$200.00 per day shall be imposed as of May 23, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for May 25, 2023.

Case # CE23-0079

Location: 434 S Clara Ave

Respondent: Efrain Estrada Rico

Description: A new roof and pavers were recently 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: 701743000540

Zoning: R-1

Code Enforcement: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of April 26, 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 May 22, 2023, or a fine of \$150.00 per day should be imposed beginning on May 23, 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 May 22, 2023, or a fine of \$150.00 per day shall be imposed as of May 23, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for May 25, 2023.

Case # CE23-0241

Location: 434 S Clara Ave

Respondent: Efrain Estrada Rico

Description: The property contains accumulations of waste, yard trash, rubble, debris, dismantled, partly dismantled, and nonoperative discarded personal property.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 30, Lot Maintenance, (3) Nuisance Declared, and Chapter 21, Section 01. Abandoned, Junked, Discarded Personal Property.

Parcel ID: 701743000540 **Zoning:** R-1

Code Enforcement: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of April 26, 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 21, Section 01. Abandoned, Junked, Discarded Personal Property. The Respondent(s) shall be ordered to correct the above code violation(s) on or before 5:00 p.m. on May 22, 2023, or a fine of \$150.00 per day should be imposed beginning on May 23, 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 May 22, 2023, or a fine of \$150.00 per day shall be imposed as of May 23, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for May 25, 2023.

Case # CE23-0245

Location: 434 S Clara Ave - **REMOVED**

Respondent: Efrain Estrada Rico

Description: The R-1 zoned property continues to have commercial vehicles stored on the property.

Violation: City of DeLand Code of Ordinances; Chapter 33, Section 91.021, Parking restrictions for commercial vehicles. (a) Residential and professional-residential districts. Within the R-1 zoning districts.

Parcel ID: 701743000540 **Zoning:** R-1

Code Enforcement: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker removed from agenda.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Removed from agenda.

G. Old Business

I. Order Imposing Fine/Lien

Case # CE23-0086

Location: 830 N Clake St - **Compliance**

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 Officer: Amber Parker

Appearing Respondent: Did not appear

DeLand Testimony: Property was brought into compliance as of April 21, 2023, no fines due.

Respondent Testimony: Did not appear for testimony.

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

II. Continued Cases

Case # CE21-0037

Location: 234 S Marydell Ave – **Compliance**

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 Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of April 26, 2023, no fines due and case not continued.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, no fines due and not continued.

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 Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker requested that the case be continued to the May 25, 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 May 25, 2023 hearing.

III. **Order of Compliance**

Case # 18-0900 AKA CE23-0235

Location: 134 S Orange Ave

Respondent: Jessica Christie

Description: No water service at the property.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section 2, Local supplement to the Florida Building Code, Administration 101.1, Title, Chapter 2, Florida Building Code Existing Building Definitions. Unsafe.

Parcel ID: 701705030300 **Zoning:** R-1A

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of November 13, 2018, fines due \$2,750.00.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, fines due \$2,750.00.

Case # 11-0902 AKA CE21-0270

Location: 344 S Delaware Ave

Respondent: Otis White

Description: Unsafe structure on the property.

Violation: City of DeLand Code of Ordinances; Chapter 7, Building and Housing Codes, Section 101.2.1, Unsafe Structures, Subsection 108.2 of the International Property Maintenance Code, Closing of Vacant Structures.

Parcel ID: 701710160390 **Zoning:** R-1

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of November 30, 2011, fines due \$13,750.00.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, fines due \$13,750.00.

Case # 11-0903 AKA CE21-0271

Location: 344 S Delaware Ave

Respondent: Otis White

Description: Unsafe electrical installation.

Violation: City of DeLand Code of Ordinances; Chapter 10, Electrical Section 10.8, (a) Unsafe Installation.

Parcel ID: 701710160390

Zoning: R-1

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of November 30, 2011, fines due \$13,750.00.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, fines due \$13,750.00.

Case # CE22-0486

Location: 226 S Hill AV

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: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of March 24, 2023, no fines due.

Respondent Testimony: Did not appear for testimony.

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

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: Property was brought into compliance as of March 27, 2023, fines due \$1,050.00.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, fines due \$1,050.00.

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 Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of March 30, 2023, no fines due.

Respondent Testimony: Did not appear for testimony.

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

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 Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of April 21, 2023, no fines due.

Respondent Testimony: Did not appear for testimony.

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

IV. Lien Reduction

Case # 11-0902 AKA CE21-0270

Location: 344 S Delaware Ave

Respondent: Otis White

Description: Unsafe structure on the property.

Violation: City of DeLand Code of Ordinances; Chapter 7, Building and Housing Codes, Section 101.2.1, Unsafe Structures, Subsection 108.2 of the International Property Maintenance Code, Closing of Vacant Structures.

Parcel ID: 701710160390 **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 \$13,750.00 to \$2,130.00 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 \$2,130.00.

Case # 11-0903 AKA CE21-0271

Location: 344 S Delaware Ave

Respondent: Otis White

Description: Unsafe electrical installation.

Violation: City of DeLand Code of Ordinances; Chapter 10, Electrical Section 10.8, (a) Unsafe Installation.

Parcel ID: 701710160390 **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 \$13,750.00 to \$2,094.00 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 \$2,094.00.

H. Next Meeting Date – May 25, 2023

I. Adjournment @ 6:31 PM