

City of DeLand



Code Enforcement Special Magistrate

J. Zolty Special Magistrate

**May 25, 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

April 27, 2023

E. SWEARING IN OF WITNESSES:

Amber Parker, Code Enforcement Officer

Milton Wilson, Respondent

Dominic Cianciarulo, Representative

OTHERS PRESENT:

Julie Zolty, Special Magistrate

Matthew Branz, City Attorney

F. NEW BUSINESS

Finding of Facts, Conclusions of Law Order

No Action Items

G. OLD BUSINESS

I. **Order Imposing Fine/Lien**

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.

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: 700958000040

Zoning: R-1

Code Enforcement Officer: Amber Parker

Appearing Representative: Dominic Cianciarulo

DeLand Testimony: Officer Parker requested that the case be continued to the June 22, 2023 hearing to allow time for the owner to gain compliance.

Representative Testimony: Mr. Cianciarulo stated he has hired a contractor that has applied for a permit, and they are waiting to get a survey.

Magistrate's Finding: The case was continued to the June 22, 2023 hearing. No fines imposed at this time.

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 Officer: Amber Parker

Appearing Representative: Dominic Cianciarulo

DeLand Testimony: Officer Parker testified that as of May 23, 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, and Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property. (2) Keeping, Storing, etc., Prohibited. A fine of \$200.00 per day should be imposed beginning May 23, 2023, and continue until said violation(s) is corrected.

Representative Testimony: Stated there are tenants in the house, and he will have the trash and debris taken care of. He requested to have more time to come into compliance.

Magistrate's Finding: Denied extension request, and found the property remains in violation and a fine of \$200.00 per day is hereby imposed as of May 23, 2023, and continue until said violation is corrected.

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 Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of May 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. A fine of \$150.00 per day should be imposed beginning May 23, 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 May 23, 2023, and continue until said violation is corrected.

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 Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of May 23, 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, and Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property. A fine of \$150.00 per day should be imposed beginning May 23, 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 May 23, 2023, and continue until said violation is corrected.

Case # CE23-0267

Location: 1601 N Woodland Blvd

Respondent: RS Lending INC

Description: The property contains an accumulation of waste, yard trash, or rubble and debris and 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: 603306010010

Zoning: C-2

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of April 26, 2023 the property was in violation of City of DeLand Code of Ordinances; Chapter 16, Section 30, Lot Maintenance, (3) Nuisance Declared. The Respondent was previously found in violation of the same ordinance on November 02, 2022, Case No. CE22-0418. The property was brought into compliance on May 19, 2023. The property was in violation from April 26, 2023 through May 19, 2023, for a total of 23 days. A fine of \$500.00 per day should be imposed for the 23 days in which the property was in violation for a total of \$11,500.00.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Magistrate imposed a fine in the amount of \$500.00 per day for the 23 days in which the property was in violation for a total of \$11,500.00, as this is a repeat violation pursuant to Section 162.06 of the Florida Statutes.

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 Officer: Amber Parker

Appearing Respondent: Milton Wilson

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

Respondent Testimony: Mr. Wilson stated that he has applied for permits for the windows, electrical, mechanical and plumbing. Also stated The City told him he does not need a permit for the flooring and cabinets. He asked The City for compassion and requested an extension. He previously hired two different contractors that walked off the job. Also stated “this is why there are mass shootings”.

Magistrate’s Finding: Denied any extension and found the property remains in violation and a fine of \$250.00 per day is hereby imposed as of May 23, 2023, and continue until said violation is corrected.

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 abide 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.

Parcel ID: 700711000630

Zoning: R-1AA

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

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

II. Continued Cases

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 June 22, 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 June 22, 2023, hearing.

III. **Order of Compliance**

Case # CE22-0177

Location: 697 Preakness Cir

Respondent: SFR JV-2 Property LLC

Description: A fence was installed 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: 702211001790

Zoning: PD

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of November 21, 2022, fines due \$17,700.00.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, fine due \$17,700.00.

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 Officer: Amber Parker

Appearing Representative: Dominic Cianciarulo

DeLand Testimony: Property was brought into compliance as of May 18, 2023, no fine due.

Representative Testimony: Agreed with compliance order.

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

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: Did not appear.

DeLand Testimony: Property was brought into compliance as of May 2, 2023, fines due \$10,500.00.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, fine due \$10,500.00.

IV. **Lien Reduction**

No Action Items

H. **NEXT MEETING DATE** — June 22, 2023

I. **ADJOURNMENT @** 6:10 PM