

City of DeLand



Code Enforcement Special Magistrate

J. Zolty Special Magistrate

**August 24, 2023
Hearing Minutes**

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

- A. **CALL TO ORDER AT 5:00 PM**
- B. **PLEDGE OF ALLEGIANCE**
- C. **FORMAT FOR PROCEEDINGS**
- D. **APPROVAL OF MINUTES**
July 27, 2023
- E. **SWEARING IN OF WITNESSES:**
Bethzaida Delgado, Code Enforcement Officer
Amber Parker, Code Enforcement Officer
Richard Lovett, Code Enforcement Manager
Jim McMahon, Representative
Stevenstore Perry, Respondent
Darrell Price, Respondent
Shawn Orberg, Representative

OTHERS PRESENT:

Julie Zolty, Special Magistrate
Matthew Branz, City Attorney

- F. **NEW BUSINESS**

Finding of Facts, Conclusions of Law Order

Case # CE23-0097

Location: 310 E International Speedway Blvd

Respondent: Heidner/Hoffmann, LLC

Description: The business continues to allow discharge of polluting matter in the City's storm systems.

Violation: City of DeLand Code of Ordinances; Chapter 30, Section 76,
Discharges of polluting matter in storm systems prohibited.

Parcel ID: 700400000892 **Zoning:** C-2

Code Enforcement: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker testified that as of August 22, 2023, the property did come into compliance prior to the hearing, but after the compliance date of February 27, 2023, provided in the Notice of Violation. The property was in violation of City of DeLand Code of Ordinances; Chapter 30, Section 76, Discharges of polluting matter in storm systems prohibited.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: The property was in violation but did come into compliance prior to hearing, therefore no fine shall be issued, however it is further ordered by this Special Magistrate that any violation of the same code provision by the Respondent within five (5) years from the date of the 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.

Case # CE23-0325

Location: 865 W New York Ave

Respondent: Sam A. Barron, Sr. and Linda Barron, Trustees of the Sam A. Barron, Sr. and Linda Barron Trust

Description: The property contains several life safety fire code violations.

Violation: City of DeLand Code of Ordinances; Chapter 12, Section 1, Florida Fire Prevention Code Adopted by Reference, Resolution 2020-07, Compliance Engine required for reporting testing and acceptance documents, NFPA 13:8.17.2.4.7.1 - FDC Sign Requirements, NFPA 13:A.8.17.2.1 - FDC connection should be accessible and ready for use at all times, NFPA 01:11.1.2.3, NFPA 01:11.1.4.3, NFPA 01:11.1.8, NFPA 01:13.3.3.2, NFPA 01:13.3.3.3, NFPA 01:13.6.4.1.1, NFPA 25:14.2.1.1, NFPA 25:5.2.1.1.5 - Sprinklers, NFPA 25:5.4.1.5 – Maintenance, NFPA 01:4.5.8.1, NFPA 01:14.4.1 - Maintenance, NFPA 01:18.2.3.5.1.2, NFPA 01:11.1.5.6, NFPA 01:11.1.7.3.1, NFPA 01:11.1.3.1, and NFPA 70: Table 110.26 (A) (1) - Working Spaces.

Parcel ID: 700866000050

Zoning: PD

Code Enforcement: Amber Parker

Appearing Representative: Jim McMahon

DeLand Testimony: Officer Parker requested to amend Finding of Facts to add exhibits.

Respondent Testimony: Mr. McMahon agreed to the amendment.

Magistrate's Finding: Amended original Findings of Fact to add exhibits.

Case # CE23-0367

Location: 211 Luella Ct

Respondent: Eric Orberg & Joan D. Orberg

Description: The property has a damaged, tarped roof and 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, 304.1, General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health,

safety, or welfare, 304.1.1, Unsafe conditions, 301.3, Vacant structures and land, 304.6, Exterior walls, and 304.7, Roofs and drainage.

Parcel ID: 700907000060 **Zoning:** C-2A

Code Enforcement: Bethzaida Delgado

Appearing Representative: Shawn Orberg

DeLand Testimony: Officer Delgado testified that as of July 26, 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, 304.1, General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare. 304.1.1, Unsafe conditions, 301.3, Vacant structures and land, 304.6, Exterior walls, and 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 October 23, 2023, or a fine of \$200.00 per day should be imposed beginning on October 24, 2023, and continue until said violation(s) is corrected.

Representative Testimony: Mr. Orberg stated he is the owners Son. His father has been in and out of the hospital and they are trying to sell the house. The new owner will be fixing it up. He asked for more time to come into compliance.

Magistrate's Finding: The property is in violation, and is to come into compliance on or before 5:00 p.m. on October 23, 2023, or a fine of \$200.00 per day shall be imposed as of October 24, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for October 26, 2023.

Case # CE23-0414

Location: 225 W New York Ave

Respondent: Axia Putnam LLC

Description: The property contains 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: 700962000090 **Zoning:** C-2A&H

Code Enforcement: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Delgado testified that as of August 22, 2023, the property did come into compliance prior to the hearing, but after the compliance date of August 03, 2023, provided in the Notice of Violation. The property was in violation of City of DeLand Code of Ordinances; Chapter 16, Section 30, Lot Maintenance, (3) Nuisance Declared.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: The property was in violation but did come into compliance prior to hearing, therefore no fine shall be issued, however it is further ordered by this Special Magistrate that any violation of the same code provision by the Respondent within five (5) years from the date of the 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.

G. OLD BUSINESS

I. Order Imposing Fine/Lien

Case # CE23-0325

Location: 865 W New York Ave

Respondent: Sam A. Barron, Sr. and Linda Barron, Trustees
of the Sam A. Barron, Sr. and Linda Barron Trust

Description: The property contains several life safety fire code violations.

Violation: City of DeLand Code of Ordinances; Chapter 12, Section 1, Florida Fire Prevention Code Adopted by Reference, Resolution 2020-07, Compliance Engine required for reporting testing and acceptance documents, NFPA 13:8.17.2.4.7.1 - FDC Sign Requirements, NFPA 13:A.8.17.2.1 - FDC connection should be accessible and ready for use at all times, NFPA 01:11.1.2.3, NFPA 01:11.1.4.3, NFPA 01:11.1.8, NFPA 01:13.3.3.2, NFPA 01:13.3.3.3, NFPA 01:13.6.4.1.1, NFPA 25:14.2.1.1, NFPA 25:5.2.1.1.5 - Sprinklers, NFPA 25:5.4.1.5 – Maintenance, NFPA 01:4.5.8.1, NFPA 01:14.4.1 - Maintenance, NFPA 01:18.2.3.5.1.2, NFPA 01:11.1.5.6, NFPA 01:11.1.7.3.1, NFPA 01:11.1.3.1, and NFPA 70: Table 110.26 (A) (1) - Working Spaces.

Parcel ID: 700866000050 **Zoning:** PD

Code Enforcement Officer: Amber Parker

Appearing Representative: Jim McMahon

DeLand Testimony: Officer Parker requested case to be continued to September 28, 2023 hearing date.

Representative Testimony: Mr. McMahon stated the landscaping work has been completed, and the tenant vacated the premises as of August 14, 2023. He had an electrician complete repairs and is working with the City on the permitting process for those violations. He also obtained a contractor to determine what needs to be done to bring the piping and sprinkler system into compliance and has applied for a permit to have the alarm call box repaired. Mr. McMahon also asked for more time to have work completed.

Magistrate's Finding: The property remains in violation and a continuance was granted until the September 28, 2023 hearing date.

Case # CE22-0559

Location: 1000 Springdale Ct

Respondent: Stevenstore L Perry and Dexter L Perry

Description: The owner of the R-1, Single-Family Dwelling District, continues to allow the property to be used as a common place of abode for less than 30 days in any three-month period, to 2 or more unrelated persons.

Violation: City of DeLand Code of Ordinances; Chapter 33, Section 12, Definitions. 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: 3. A maximum of two unrelated persons, together with their natural family who are related to each other by law, blood, marriage or adoption. Dwelling, single-family, means a building designed for or occupied exclusively by one family with independent cooking and bathroom facilities.

Parcel ID: 702021000070

Zoning: R-1

Code Enforcement Officer: Amber Parker

Appearing Respondent: Stevenstore Perry

DeLand Testimony: Officer Parker testified that as of August 22, 2023, the property has not come into compliance. The property is in violation of City of DeLand Code of Ordinances; Chapter 33, Section 12, Definitions. 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: 3. A maximum of two unrelated persons, together with their natural family who are related to each other by law, blood, marriage or adoption. 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 September 01, 2023, and continue until said violation(s) is corrected.

Respondent Testimony: Mr. Perry stated the tenants are on a week to week lease. He served an eviction notice on August 10, 2023, and three of the tenants will be gone as of September 1, 2023.

Magistrate's Finding: The property remains in violation and a fine of \$250.00 per day is hereby imposed as of September 01, 2023, and continue until said violation is corrected.

Case # CE23-0434

Location: 1000 Springdale Ct

Respondent: Stevenstore L Perry and Dexter L Perry

Description: The roof and flashing are not sound, tight and free of defects that admit rain.

Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 3, Section 304.7, Roofs and drainage.

Parcel ID: 702021000070 **Zoning:** R-1

Code Enforcement Officer: Amber Parker

Appearing Respondent: Stevenstore Perry

DeLand Testimony: Officer Parker testified that as of August 22, 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 304.7, Roofs and drainage. A fine of \$250.00 per day should be imposed beginning September 25, 2023, and continue until said violation(s) is corrected.

Respondent Testimony: Mr. Perry stated he has hired a roofing contractor and the roof should be done in 2-3 weeks.

Magistrate's Finding: Granted continuance until September hearing date of September 28, 2023.

Case # CE23-0435

Location: 1000 Springdale Ct

Respondent: Stevenstore L Perry and Dexter L Perry

Description: A building renovation was constructed at the house 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: 702021000070 **Zoning:** R-1

Code Enforcement Officer: Amber Parker

Appearing Respondent: Stevenstore Perry

DeLand Testimony: Officer Parker testified that as of August 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 \$250.00 per day should be imposed beginning September 25, 2023, and continue until said violation(s) is corrected.

Respondent Testimony: Mr. Perry stated he has a contractor that will be working on obtaining permits to remove unpermitted work. He asked for more time to have work completed.

Magistrate's Finding: The property remains in violation and a fine of \$250.00 per day is hereby imposed as of September 25, 2023, and continue until said violation is corrected.

Case # CE23-0289

Location: 1329 N Woodland Blvd

Respondent: 1329 DeLand Inc.

Description: The exterior of the structure is not being maintained nor in good repair.

Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 3, Section 304.1, General.

Parcel ID: 700409000010

Zoning: C-2

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not Appear.

DeLand Testimony: City Attorney Matthew Branz requested the Findings of Fact, Conclusions of Law and Order entered on July 27, 2023 be vacated.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Findings of Fact, Conclusions of Law and Order entered on July 27, 2023 recorded in the Official Records of Volusia County, Florida at Book 8442 and Page 4059, is vacated.

Case # CE23-0436

Location: 1329 N Woodland Blvd

Respondent: 1329 DeLand Inc.

Description: The property contains a damaged and nonconforming sign.

Violation: City of DeLand Code of Ordinances; Chapter 33, Section 102.04, (d) Nonconforming signs, as adopted and amended by Ordinance 2020-07, (b) 3.

Parcel ID: 700409000010

Zoning: C-2

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not Appear.

DeLand Testimony: City Attorney Matthew Branz requested the Findings of Fact, Conclusions of Law and Order entered on July 27, 2023 be vacated.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Findings of Fact, Conclusions of Law and Order entered on July 27, 2023 recorded in the Official Records of Volusia County, Florida at Book 8442 and Page 4042, is vacated.

II. Continued Cases

No action Items

III. Order of Compliance

Case # AB21-00048 AKA 2019-86

Location: 1601 N Woodland Blvd

Respondent: RS Lending INC

Description: The property contained 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: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of September 19, 2019, fine of 308.30 has been paid.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, fine in the amount of \$308.30 has been paid in full.

Case # CE21-0052 AKA 15-0810

Location: 618 W Voorhis Ave

Respondent: Thomas Gooden Jr., Thomasina Gooden & Alton G. Gooden

Description: Unsafe structure on the property.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section 7-2, Local Supplement to the Florida Building Code, Administration, Subsection 101.2.1, Unsafe buildings shall be abated using the International Property Maintenance Code 2003 Edition.

Parcel ID: 701715000060 **Zoning:** R-1

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of February 03, 2016, fine due \$25,000.00.

Respondent Testimony: Did not appear for testimony.

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

Case # CE22-0418

Location: 1601 N Woodland Blvd

Respondent: RS Lending INC

Description: The property contained 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: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of January 20, 2023, fine of \$4,500.00 has been paid.

Representative Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, fine of \$4,500.00 has been paid in full.

Case # CE22-0420

Location: 1601 N Woodland Blvd

Respondent: RS Lending INC

Description: The property contained multiple walls tagged with graffiti.

Violation: City of DeLand Code of Ordinances; Chapter 21, Section 7, Despoiling Property, and Chapter 16, Section 4, Lots, Premises.

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

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of January 20, 2023, fine of \$4,500.00 has been paid.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, fine of \$4,500.00 has been paid in full.

Case # CE23-0177

Location: 409 W Beresford Ave

Respondent: Azarelli Investments LLC

Description: The property contained a newly installed air conditioning unit 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: 701738000180 **Zoning:** R-1

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of July 28, 2023, no fine due.

Respondent Testimony: Did not appear for testimony.

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

Case # CE23-0201

Location: 1575 S State Road 15A

Respondent: ESS storage Acquisition Sixty One LLC

Description: The property contained a business operating without the required Business Tax Receipt.

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

Parcel ID: 702000000900 **Zoning:** PD

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of August 14, 2023, no fine due.

Respondent Testimony: Did not appear for testimony.

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

Case # CE23-0253

Location: 808 S Clara Av

Respondent: Darrell Maurice Price, Diedra P. Stanford & Norris Wendell Price

Description: The property was being occupied and did not have water service.

Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 6, Section 601.2, Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter and Chapter 6, Section 604.1, Facilities required.

Parcel ID: 701739020170 **Zoning:** R-1

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Darrell Price

DeLand Testimony: Property was brought into compliance as of July 25, 2023, fine due \$250.00.

Respondent Testimony: Mr. Price stated he has evicted the people in the house and the house has been vacated. He is working on getting the house back to the state it was previously in. Mr. Price also asked for the fines to be waved.

Magistrate's Finding: Order of Compliance entered, fine due \$250.00.

Case # CE23-0317

Location: 808 S Clara Av

Respondent: Darrell Maurice Price, Diedra P. Stanford & Norris Wendell Price

Description: The property was being occupied and did not have electricity at the home.

Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 6, Section 601.2, Responsibility and Chapter 6, Section 604.1, Facilities required.

Parcel ID: 701739020170

Zoning: R-1

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Darrell Price

DeLand Testimony: Property was brought into compliance as of July 25, 2023, fine due \$250.00.

Respondent Testimony: Mr. Price asked for the fines to be waved.

Magistrate's Finding: Order of Compliance entered, fine due \$250.00.

Case # CE23-0320

Location: 1601 N Woodland Blvd

Respondent: RS Lending INC

Description: The property contained 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, in case No. CE23-0267.

Parcel ID: 603306010010

Zoning: C-2

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of July 31, 2023, fine of \$25,000.00 has been paid.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, fine of \$25,000.00 has been paid in full.

Case # CE23-0329

Location: 523 E Voorhis Av

Respondent: Tranquility Concepts LLC

Description: The property continues to have grass or weeds in excess of 12 inches tall and yard trash or debris throughout the property.

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

Parcel ID: 701618000420

Zoning: R-2

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Property was brought into compliance as of August 15, 2023, fine due \$3,150.00.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Order of Compliance entered, fine due \$3,150.00.

IV. Lien Reduction

Case # CE21-0052 AKA 15-0810

Location: 618 W Voorhis Ave

Respondent: Thomas Gooden Jr., Thomasina Gooden & Alton G. Gooden

Description: Unsafe structure on the property.

Violation: City of DeLand Code of Ordinances; Chapter 7, Section 7-2, Local Supplement to the Florida Building Code, Administration, Subsection 101.2.1, Unsafe buildings shall be abated using the International Property Maintenance Code 2003 Edition.

Parcel ID: 701715000060

Zoning: R-1

Code Enforcement Officer: Amber Parker

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Parker 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 \$3,305.00 and that the applicant shall pay the reduced lien amount within 30 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 \$3,305.00.

H. NEXT MEETING DATE — September 28, 2023

I. ADJOURNMENT @ 6:43 PM