

City of DeLand



Code Enforcement Special Magistrate

J. Zolty Special Magistrate

September 28, 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**
August 24, 2023
- E. **SWEARING IN OF WITNESSES:**
Bethzaida Delgado, Code Enforcement Officer
Richard Lovett, Code Enforcement Manager
Ron Climer, Representative
Stedroy Maynard, Respondent
Eric Hoffman, Representative
Vasu Persaud, Representative
Jim McMahon, Representative
Stevenstore Perry, Respondent

OTHERS PRESENT:

Julie Zolty, Special Magistrate
Matthew Branz, City Attorney

- F. **NEW BUSINESS**

Finding of Facts, Conclusions of Law Order

Case # CE22-0282

Location: 409 N Boundary Ave

Respondent: Fame Properties LLC

Description: Construction work at the property continues to be performed without the required permits, and said work has caused the structure to become unsafe.

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 International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 1, Section 108.1.5, Dangerous structure or premises.

Parcel ID: 700962000090

Zoning: C-2A&H

Code Enforcement: Bethzaida Delgado

Appearing Representative: Eric Hoffman, owner of Fame Properties

DeLand Testimony: Officer Delgado testified that as of September 19, 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 and International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, Chapter 1, Section 108.1.5, Dangerous structure or premises. 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 \$250.00 per day should be imposed beginning on October 24, 2023, and continue until said violation(s) is corrected.

Representative Testimony: Mr. Hoffman stated that he has been working on coming into compliance. He has applied for permits and has hired a contractor. It has taken time to get drawings. He does not feel the building needs to be demolished, and feels the building is structurally sound. Stated the contractor is close to obtaining a permit. He has big plans to make the building beautiful. Stated he has put half a million dollars into fixing this building so far. Stated the reason construction has slowed down is because The Building Department keeps kicking stuff back. He Plans to have building completed by the beginning of 2024. Requested more time to finish repairs and come into compliance.

Magistrate's Finding: The property is in violation. Granted more time for compliance. The property is to come into compliance on or before 5:00 p.m. on December 11, 2023, or a fine of \$250.00 per day shall be imposed as of December 12, 2023, and continue until said violation(s) is corrected. With a hearing to determine whether respondent has complied is set for December 14, 2023.

Case # CE23-0328

Location: 236 W Walts Ave

Respondent: Stedroy J Maynard & Paige Maynard

Description: Plumbing and building repairs or alterations were completed 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: 701620030020

Zoning: R-1

Code Enforcement: Bethzaida Delgado

Appearing Respondent: Stedroy Maynard

DeLand Testimony: Officer Delgado testified that as of September 27, 2023, the property did come into compliance prior to the hearing, but after the compliance date of July 16, 2023, provided in the Notice of Violation. The property was 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.

Respondent Testimony: Did appear at the beginning, but left before case was heard. Did not give 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 # CE23-0545

Location: 236 W Walts Ave

Respondent: Stedroy J Maynard & Paige Maynard

Description: The premises contain accumulations of waste, yard trash, rubble, debris, dismantled, partly dismantled, nonoperative, and discarded personal property, therefore it is not being kept clean, sanitary, or present a neat and slightly appearance.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 4, Lots, premises, 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: 701620030020

Zoning: R-1

Code Enforcement: Bethzaida Delgado

Appearing Respondent: Stedroy J Maynard

DeLand Testimony: Officer Delgado testified that as of September 27, 2023, the property did come into compliance prior to the hearing, but after the compliance date of July 16, 2023, provided in the Notice of Violation. The property was in violation of City of DeLand Code of Ordinances; Chapter 16, Section 4, Lots, premises, Chapter 16, Section 30, Lot Maintenance, (3) Nuisance Declared, and Chapter 21, Section 01, Abandoned, Junked, Discarded Personal Property, (2) Keeping, Storing, etc., Prohibited.

Respondent Testimony: Did appear at the beginning, but left before case was heard. Did not give 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 # CE23-0546

Location: 236 W Walts Ave

Respondent: Stedroy J Maynard & Paige Maynard

Description: Windows, doors and frames on the property are not in sound condition, good repair, weather tight or are being maintained.

Violation: City of DeLand Code of Ordinances;

Parcel ID: 701620030020

Zoning: R-1

Code Enforcement: Bethzaida Delgado

Appearing Respondent: Stedroy Maynard

DeLand Testimony: Officer Delgado testified that as of September 27, 2023, the property did come into compliance prior to the hearing, but after the compliance date of July 16, 2023, provided in the Notice of Violation. The property was 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, Subsection 304.1.1, Unsafe conditions, Chapter 3, Section 304, Subsection 304.13, Window, skylight and door frames, and Chapter 3, Section 304, Subsection 304.13.2, Openable windows.

Respondent Testimony: Did appear at the beginning, but left before case was heard. Did not give 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 # 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: Bethzaida Delgado

Appearing Respondent: Stevenstore Perry

DeLand Testimony: Property was brought into compliance as of September 18, 2023, fine due \$4,000.00.

Respondent Testimony: Mr. Perry stated the tenants where out as of September 03,2023. Stated he went out of town on September 01, 2023 due to a hurricane, and was gone for ten days. Stated he came to City Hall on on September 14, 2023. After discussion it was agreed upon he came in on September 18, 2023. He asked about a Lien Reduction for imposing fines.

Magistrate's Finding: Order of Compliance entered, fine due \$4,000.00.

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: Bethzaida Delgado

Appearing Respondent: Stevenstore Perry

DeLand Testimony: Property was brought into compliance as of September 27, 2023, no fine due.

Respondent Testimony: Mr. Perry did not dispute Order of Compliance.

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

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: Bethzaida Delgado

Appearing Respondent: Stevenstore Perry

DeLand Testimony: Officer Delgado testified that as of September 26, 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 is working on getting architecture plans and it is taking longer then expected due to load bearing walls. Mr. Perry asked for more time for compliance.

Magistrate's Finding: Found the property is in violation, extended compliance date until December 11, 2023.

Case # CE23-0502

Location: 920 Spring Garden Ave

Respondent: SAS Spring Arbor Managers, LLC

Description: The property contains accumulations or deposits of refuse, garbage, noxious matter, waste, rubble and debris overflowing the dumpster trash area, causing the property to be unsanitary and unsightly.

Violation: City of DeLand Code of Ordinances; Chapter 16, Section 5, Unsanitary lots declared nuisance, Chapter 16, Section 26, Nuisances injurious to health and Chapter 16, Section 30, Lot Maintenance, Nuisance declared.

Parcel ID: 700600000381 **Zoning:** PD

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Did not appear.

DeLand Testimony: Officer Delgado testified that as of September 14, 2023, the property has come into compliance. The property was in violation from August 18, 2023, through September 14, 2023, for a total of 27 days. The property was in violation of City of DeLand Code of Ordinances; Chapter 16, Section 5, Unsanitary lots declared nuisance, Chapter 16, Section 26, Nuisances injurious to health and Chapter 16, Section 30, Lot Maintenance, Nuisance declared. A fine in the amount of \$500.00 per day as a repeat violation is hereby imposed for the 27 days in which the property was in violation for a total of \$13,500.00.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: The property was in violation from August 18, 2023, through September 14, 2023, for a total of 27 days. A fine in the amount of \$500.00 per day as a repeat violation is hereby imposed for a total of \$13,500.00.

Case # CE22-0324

Location: 125 N Clara Ave

Respondent: Mohamed Rashad

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 Officer: Bethzaida Delgado

Appearing Respondent: Did not Appear.

DeLand Testimony: City Attorney Matthew Branz requested the Findings of Fact, Conclusions of Law and Order entered on January 26, 2023, be vacated.

Respondent Testimony: Did not appear for testimony.

Magistrate's Finding: Findings of Fact, Conclusions of Law and Order entered on January 26, 2023, recorded in the Official Records of Volusia County, Florida at Book 8361 and Page 4770, is vacated.

II. **Continued Cases**

No action Items

III. **Order of Compliance**

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: Bethzaida Delgado

Appearing Respondent: Stevenstore Perry

DeLand Testimony: Property was brought into compliance as of September 18, 2023, fine due \$4,000.00.

Respondent Testimony: Mr. Perry stated the tenants were out as of September 03, 2023. Stated he went out of town on September 01, 2023 due to a hurricane, and was gone for ten days. Stated he came to City Hall on September 14, 2023.

After discussion it was agreed upon he came in on September 18, 2023. He asked about a Lien Reduction for imposing fines.

Magistrate's Finding: Order of Compliance entered, fine due \$4,000.00

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: Bethzaida Delgado

Appearing Representative: Vasu Persaud

DeLand Testimony: Property was brought into compliance as of August 15, 2023, fine due \$3,150.00. City Attorney Matthew Branz requested for case to be continued to October 26, 2023 hearing.

Representative Testimony: Mr Persaud contested the amount due. He stated he thought he was in compliance. He disputed the dates of inspections, violations, and the compliance date. Mr. Persaud stated he does not agree with The City and wants fines waived.

Magistrate's Finding: Due to discrepancy in dates and Code Officer Parker being absent from hearing to give testimony, case was continued to October 26, 2023 hearing.

Case # CE23-0325

Location: 865 W New York Av

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: Bethzaida Delgado

Appearing Representative: Jim McMahon

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

Representative Testimony: Mr. McMahon did not dispute the compliance and stated it was a good collaboration between himself and The City.

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

Case # CE23-0120

Location: 403 S Clara Av

Respondent: Stedroy Maynard

Description: The property owner continues to store commercial vehicles on the property and several vehicles are parked in the grass.

Violation: City of DeLand Code of Ordinances; Chapter 33, Section 91.021, Parking restrictions for commercial vehicles, and Chapter 33, Section 17.031, R-1, Parking on grass and sidewalks is prohibited.

Parcel ID: 701620030010 **Zoning:** R-1

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Stedroy Maynard

DeLand Testimony: Property was brought into compliance as of September 26, 2023, no fine due.

Respondent Testimony: Did appear at the beginning, but left before case was heard. Did not give testimony.

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

IV. Lien Reduction

Case # CE21-0319

Location: 111 W Beresford AV

Respondent: Antonio C. Oliverly Jr.

Description: The structure is unsafe and unfit for human occupancy due to electrical hazards.

Violation: City of DeLand Code of Ordinances; International Property Maintenance Code, as adopted and amended by Ordinance 2019-02, 108.1.3, Structure unfit for human occupancy, Section 601.2, Responsibility, Section 604.1, Facilities required, and Section 605.1, Installation.

Parcel ID: 701638000120 **Zoning:** R-1

Code Enforcement Officer: Bethzaida Delgado

Appearing Respondent: Ron Climer, new homeowner

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 \$10,800.00 to \$3,698.00 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 appear at the beginning, but left before case was heard. Did not give testimony.

Magistrate's Finding: Recommended lien reduction in the amount of \$3,698.00.

H. NEXT MEETING DATE — October 26, 2023

I. ADJOURNMENT @ 6:53 PM