

**BEFORE THE SPECIAL MAGISTRATE
OF THE CITY OF DELTONA, FLORIDA**

CASE NO.: **DEL-23-184**

CITY OF DELTONA, a municipal
corporation of the State of Florida,

Petitioner,

vs.

TAH MS Borrower, LLC
%Tricon American Homes, LLC
1508 Brookhollow Drive
Santa Ana, CA 92705,

Respondent.

Property Location: **1571 Pendleton Street, Deltona, FL 32725**
Parcel No: **813011230510**

RECOMMENDATION FOR REDUCTION OF LIEN(S)

THIS CAUSE came to be reviewed and heard on September 25, 2024 upon the Respondent's application for release of lien in accordance with Section 2-156 of the Deltona City Code. The Respondent was present and did provide testimony. The Special Magistrate, having reviewed the application and having applied the factors codified under the City of Deltona Code, based upon the evidence and testimony presented at the hearing under oath, finds:

1. The property located at **1571 Pendleton Street, Deltona, FL 32725** is owned by TAH MS Borrower, LLC ("TAH"). TAH acquired the property in October 2017.

2. On May 24, 2023, the City of Deltona Special Magistrate found TAH in violation of Section 18-3 of the City Code, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit. The violation arose from the failure to obtain a building permit for the installation of a new fence. The Special Magistrate ordered TAH to correct the violation by July 23, 2023, which required TAH to obtain an after-the-fact building permit.

3. On September 27, 2023, the Special Magistrate held a Massey hearing and found that the violation had not been corrected within the time ordered and, at that time, no building permit had been issued for the fence. The Special Magistrate issued an Order, recorded in the Volusia County Official Records, Book 8482, Page 2985, to impose a fine of \$3,200.00 as of the hearing date, September 27, 2023, and that the fine would continue to accrue at a rate of \$50.00 per day until compliance was achieved.

4 Code Enforcement Officer Todd Meade testified that a building permit was obtained and the property came into compliance on June 18, 2024. A total lien of **\$16,550.00** exists on the property.

5 Code Enforcement Officer Todd Meade testified that the City's costs of enforcement totaled approximately **\$1,419.67**. City staff requested the fine not be reduced.

6 TAH's representative explained the delay in achieving compliance was attributed to the Notice of Violation and subsequent Orders being delivered to the corporate office in Texas rather than their local office and that a change in personnel resulted in the Orders going unresolved. The TAH representative explained that they have made adjustments to their internal procedures to ensure that Notices of Violation are properly handled and communicated internally in the future.

7 The Special Magistrate is required to make a recommendation on requests for a reduction of code enforcement liens. Pursuant to Section 2-165.03, the Special Magistrate must consider the following factors in making a recommendation:

- (a) The gravity of the violation;
- (b) The time in which it took the violator/property owner to come into compliance;
- (c) The accrued amount of the code enforcement fine or lien;
- (d) Any previous or subsequent code violations;
- (e) Any financial hardship; and
- (f) Any other mitigating circumstances which may warrant the reduction or satisfaction of the penalty or fine.

8 The Special Magistrate recommends the lien be reduced to **\$5,000.00**. This recommendation is made based upon the above factors and, specifically, that the violation was not particularly severe and no evidence was provided that the

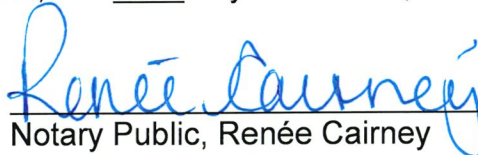
public health, safety, and welfare was compromised during the time period during which no permit was obtained. The fence was newly constructed and was in good condition during this time period. In addition, the City's cost of enforcement will be recovered and an additional penalty will still be collected based on the delay from July 23, 2023 to June 18, 2024 to obtain the permit. The TAH representative has testified that they have adjusted their internal procedures to ensure more effective communication in the future.

NOW, THEREFORE, the Special Magistrate Kristin Eick hereby makes a recommendation to the Deltona City Commission as required by Section 2-156 of the City Code to **approve the reduction of the lien to \$5,000.00 for 1571 Pendleton Street, Deltona, FL 32725.**



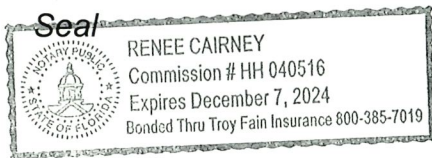
Special Magistrate Kristin N. Eick

WITNESS my hand and official seal, this 22nd day of October, 2024



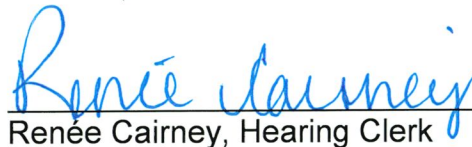
Notary Public, Renée Cairney

My Commission Expires: December 7, 2024



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing **RECOMMENDATION FOR REDUCTION OF LIEN(S)** has been furnished by mail to: **TAH MS Borrower, LLC, % Tricon American Homes, LLC, 1508 Brookhollow Drive, Santa Ana, CA 92705**, this 22nd day of October, 2024.



Renée Cairney, Hearing Clerk

In accordance with Sec. 2-156.04, the City Clerk or designee shall place the application for reduction or releases of lien(s) on the agenda of the next regularly scheduled City Commission meeting. The City Commission has the sole authority to hear and decide requests for reduction or waiver of code enforcement fines/liens.