



Legislation Text

File #: 15-7849, **Version:** 1

TO: Mayor and Commission

AGENDA DATE: 5/22/2023

FROM: City Manager

AGENDA ITEM: 8 - B

SUBJECT:

Consideration for a reduction in the fine of \$75,100.00 assessed pursuant to Special Magistrate Cases DEL-22-060, DEL-22-061 & DEL-22-062. Mr. Erich Spivey (Real Estate Agent) is present as representation regarding 1299 Fountainhead Drive, Deltona, FL 32725 - Danny Ron, Code Compliance Manager (386) 878-8702 and Suzette Cameron, Assistant to the City Manager (386) 878-8615.

Strategic Goal:

LOCATION:

This property is located at 1299 Fountainhead Drive, Deltona, Florida 32725. The Parcel No. is 813010190030

COST:

N/A

SOURCE OF FUNDS:

N/A

ORIGINATING DEPARTMENT:

Code Compliance Division

STAFF RECOMMENDATION PRESENTED BY:

Danny Ron, Code Compliance Manager and Suzette Cameron, Assistant to the City Manager.

POTENTIAL MOTION:

"I move to approve the reduction of fine on all three (3) lien cases. In reference to case numbers DEL22-060, DEL22-061 and DEL22-061, Code Compliance approves the recommendation for the reduction of the fine provided by the Special Magistrate to the sum of \$6,000 for all three cases. The owner/requestor is Vermont LLC/Real Estate Agent Erich Spivey for the property located at 1299 Fountainhead Drive, Deltona, Florida 32725. The fine is to be paid within 30 days from today, May 22, 2023, or the fine will revert back to the original amount."

BACKGROUND:

Regarding Cases DEL22-060; DEL22-061 and DEL22-062.

DEL-22-060

Violation: City of Deltona Ordinance Section 18-5, adopting the latest edition of the International Property Maintenance Code, Section 302.7, which states all accessory structures, including detached garages, fences and walls, shall be maintained and kept in good repair and sound structural condition.

The total amount due - 223 days @ \$100.00 = \$22,300.00
Staff time and cost into this case is \$640.00

DEL-22-061

Violation: City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, 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 electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

The total amount due - 227 days @ \$100.00 = \$22,700.00
Staff time and cost into this case is \$640.00

DEL-22-062

Violation: City of Deltona Ordinance, Section 18-3, adopting the latest edition of the Florida Building Code, Section 105.1 which states that any owner, 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 electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

The total amount due is 301 days @ \$100.00 = \$30,100.00
Staff time and cost into this case is \$640.00

On April 26, 2023, Real Estate Agent Erich Spivey appeared before the Special Magistrate to request a recommendation to reduce the fine. Ms. Eick stated she was in favor of a reduction in this case. It did take time to come into compliance based on the difficulty of finding a contractor to work on and improve, a structure that was already built. Based on the finding that the property is in full compliance, the Special Magistrate Kristin Eick made a recommendation to reduce the fine to \$2000.00 for each case file and stated it would have to go before the City Commission for the decision. (DEL-22-060, DEL-22-061 and DEL-22-062) for a total fine of \$6,000.00.