



**CITY OF SOUTH DAYTONA
SPECIAL MASTER CODE ENFORCEMENT
Minutes**

February 8, 2024 at 9:00 AM
CITY COUNCIL CHAMBERS
1672 S. Ridgewood Avenue, South Daytona, Florida

SPECIAL MASTER: Attorney Matthew Branz, Esquire

STAFF: Josh McEnany, Economic Development Director, Matt Miavez, Code Compliance Officer, Becky Witte, Deputy City Clerk, Rob Kuhn, Code Compliance Officer, Ben Elinton, Code Compliance Officer

CALL TO ORDER: Special Master Matthew Branz called the City of South Daytona's Special Master Code Enforcement Hearing to Order at South Daytona's City Hall, City Council Chambers, 1672 S. Ridgewood Ave, South Daytona, Florida at 9:00 am.

PLEDGE OF ALLEGIANCE.

Special Master Branz welcomed those in attendance to the City of South Daytona Code Enforcement Special Master hearing. He said that today's proceedings are quasi-judicial in nature. Formal rules of evidence do not apply, but fundamental due process will be observed and govern all proceedings, he explained. Mr. Branz said that all testimony is under oath and will be recorded. There is no "public comment" portion of these proceedings, and all participants must have an active role in the case such as staff, respondent, and/or a witness, he said.

Special Master Branz continued to explain that at the conclusion of each hearing, he shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with the powers granted to the Code Enforcement Special Master. The order may include a notice that it must be complied with by a specified date, and that a fine may be imposed, he said.

Special Master Branz advised that if any party decides to appeal any decision made at this meeting, they will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based, per section 286.0105, Florida Statutes.

OATHS OF THE CITY OFFICIAL, RESPONDENTS AND WITNESSES: Executed by Deputy City Clerk, Becky Witte

NEW BUSINESS: NONE

OLD BUSINESS

Case: 19-001358 **Owner:** MIMS, JAYSON
Address: 1989 BIG OAK DR , SOUTH DAYTONA FL 32119 **Parcel Number:** 5344-26-00-0640
VIOLATION: International Property Maintenance Code 302.1, Sanitation
Request Order of Compliance

Rob Kuhn, Code Compliance Officer, said this case came on for public hearing on March 12, 2020, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated March 12, 2020, where the property was found in violation.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master found that the property was in Compliance by **June 19, 2020** for violation of the following:

City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.1: Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

Special Master declared the Respondent in compliance and that pending violation proceedings before the Special Master are concluded with a fine of \$20,000 is due for 80 days of non-compliance.

Case: 22-000181 **Owner:** VAN LARSON JEREMIAH
Address: 1719 CALDWELL ROAD, SOUTH DAYTONA **Parcel Number:** 5329-07-15-0030
VIOLATION: City of South Daytona Land Development Regulations 7.5(B)(10)(c)(2), Miscellaneous parking regulations MRE
Request Order of Compliance

Rob Kuhn, Code Compliance Officer, said this case came on August 11, 2022, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated August 11, 2022, where the property was found in violation.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master found that the property was in Compliance by September 6, 2022 for violation of the following:

City of South Daytona Land Development Regulations Section 7.5(B)(10)(c)(2): Major recreational vehicles and equipment including recreational vehicles, boats, and utility trailers: Major recreational equipment (MRE) may be parked or stored outdoors in a residentially zoned district provided the following conditions are met: MRE may be parked or stored in the rear yard, an enclosed garage, carport, or side yard behind the front plane of the house. The ground beneath any MRE stored behind the front plane of the house must be maintained in compliance with city regulations.

Special Master declared the Respondent in compliance and that pending violation proceedings before the Special Master are concluded with no fine due.

Case: 23-000020 **Owner:** ELSOBKY, AMR M
Address: 2938 OAK LEA DR , SOUTH DAYTONA FL 32119 **Parcel Number:** 5333-24-00-0290
VIOLATION: International Property Maintenance Code 302.7, Accessory structures
Comments: remove dilapidated structure
Request Order of Compliance

Rob Kuhn, Code Compliance Officer, said this case came on for public hearing on March 9, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated March 9, 2023, where the property was found in violation.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master found that the property was in Compliance by **May 2, 2023** for violation of the following:

1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.7: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Special Master declared the Respondent in compliance and that pending violation proceedings before the Special Master are concluded. A fine of **\$3,150** is due for **21** days of non-compliance.

Case: 23-000093 **Owner:** SPEIDEL CAMRON, FLIPP, DEVON, FEIGEL, DON, FAHEY, ROBERT
Address: 519 BLAKE RD , SOUTH DAYTONA FL 32119 **Parcel Number:** 5328-03-00-0450
VIOLATION: International Property Maintenance Code 111.1.3, Structure unfit for human occupancy
Request Order of Compliance

Rob Kuhn, Code Compliance Officer, said this case came on for public hearing on May 11, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated May 11, 2023, where the property was found in violation.

Respondent was not in attendance.

Based on the testimony and evidence received, the Special Master found that the property was in Compliance by **June 6, 2023** for violation of the following:

1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.7: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

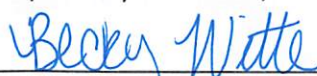
Special Master declared that the Respondent to be in compliance and that pending violation proceedings before the Special Master are concluded with no fine due.

APPROVAL OF MINUTES FOR: January 11, 2024 Special Master Hearing. Attorney Branz approved the minutes with minor modifications as provided by the Deputy City Clerk.

NEXT MEETING: March 14, 2024

ADJOURNMENT. Hearing adjourned at 9:19 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk