



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

March 9, 2023 at 9:00 AM  
CITY COUNCIL CHAMBERS  
1672 S. Ridgewood Avenue, South Daytona, Florida

**SPECIAL MASTER: Attorney Matthew Branz, Esquire**

**STAFF:**

Josh McEnany, Code Compliance Manager, Matt Miavez, Code Compliance Officer, Becky Witte, Deputy City Clerk

I. **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 9:01 am.

**II. 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.

III. **APPROVAL OF MINUTES FOR: February 9, 2023.** Attorney Branz approved the minutes with minor changes as provided by Deputy City Clerk.

**IV. OATHS OF THE CITY OFFICIAL, RESPONDENTS AND WITNESSES:**

Executed by Deputy City Clerk, Becky Witte

**V. NEW BUSINESS:**

Case # 23-000001

Owner: SPACE CONCEPTS INC

Location: 2281 CARMEN DR, SOUTH DAYTONA FL 32119

**VIOLATION(S):**

1. City of South Daytona Code of Ordinances 5-217 (7), Minimum standards: Neat and fresh appearance

Comments: EXTERIOR WALLS NEED PRESSURE WASHED AND PAINTED

2. City of South Daytona Code of Ordinances 5-217 (8), Minimum standards: Parking areas and Vacant lots

Comments: PARKING LOT SHOULD BE MAINTAINED AND BE FREE OF POTHOLES AND BROKEN PAVEMENT

**Status: Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent was not in attendance.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

1. City of South Daytona Code of Ordinances Section 5-217. Minimum standards. The minimum standards for the maintenance of commercial properties are as follows: (7) All retaining walls, seawalls, nonstructural walls, dumpster enclosures, fences, lighting devices and supports, outdoor service and seating areas, and signs and their supporting elements shall be structurally sound and kept free of graffiti, overgrowth, trash and debris, and shall be maintained to present a painted, rust-free, neat and fresh appearance.

2. City of South Daytona Code of Ordinances Section 5-217. Minimum standards. The minimum standards for the maintenance of commercial properties are as follows: (8) All parking areas and vacant lots shall be kept free of overgrowth, weeds, trash and debris. Potholes and broken pavement shall be repaired. Paving and striping shall be maintained to a neat and clean condition with a fresh appearance. All dead tree limbs and dead trees shall be removed from parking areas and vacant lots.

Special Master Branz ordered that the Respondent correct the violation on or before April 4, 2023. If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for April 13, 2023.

**Case # 23-000020**

**Owner: ELSOBKY AMR M**

**Location: 2938 OAK LEA DR , SOUTH DAYTONA FL 32119**

**VIOLATION(S):**

1. International Property Maintenance Code 302.7, Accessory structures

Comments: remove dilapidated structure

**Status: Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent was not in attendance.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

1. International Property Maintenance Code 302.7, Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Special Master Branz ordered that the Respondent correct the violation on or before April 10, 2023. If the Respondent fails to comply with this Order, a fine of \$150.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for April 13, 2023.

**Case # 23-000031      Owner: KID CITY USA ENTERPRISES INC**  
**Location: 1952 S RIDGEWOOD AVE, SOUTH DAYTONA FL 32119**

**VIOLATION(S):**

1. South Daytona Code of Ordinances 5-12, Permit Required For Restriping  
Comments: Permit and Site Plan Required for Parking lot repairs and enhancements

**Status: Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent Jerry Walker (representative of Kid City USA) was in attendance and provided testimony.

Fire Marshal Paul Nelson provided testimony.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

1. City of South Daytona Code of Ordinances Section 5-12 Permit Required. Before any parking lot may be restriped, resealed, or resurfaced, a proper permit therefor shall be obtained from the community development department of the city. However, parking areas at single-family detached dwellings shall be exempt from this requirement.

Special Master Branz ordered that the Respondent correct the violation on or before April 4, 2023. If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for April 13, 2023.

**Case # 23-000033      Owner: BARNETTE PAUL E**  
**Location: 2640 ANASTASIA DR, SOUTH DAYTONA FL 32119**

**VIOLATION(S):**

1. International Property Maintenance Code 302.1, Sanitation  
Comments: outside of home is stained and does not reflect a fresh and neat appearance
2. International Property Maintenance Code 305.3, Interior surfaces  
Comments: interior surfaces shall be maintained in a good, clean and sanitary condition
3. City of South Daytona Code of Ordinances 16-19(13)(a), Rental dwellings BTR required  
Comments: RENTAL LICENSE REQUIRED TO RENT PROPERTY

**Status: Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent, Janessa Whalen, representative from Tallgate Property Maintenance, provided testimony.

Josh McEnany called the witness, Susan O'Laughlin (tenant of home) was in attendance and provided testimony.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

2. City of South Daytona Code of Ordinances Section 16-19 (13) Rental dwellings.
  - a. Local business tax receipt required: It shall be unlawful for any owner of residential property to rent or lease, or offer to rent or lease (throughout this subsection (13) the terms "rent" and "lease" are synonymous; as are the terms "to rent or lease" and "to offer to rent or lease") therein any dwelling or dwelling unit(s), whether single-family, duplex, triplex, multi-family, apartment, condominium, or more than one (1) room, etc., unless a current local business tax receipt therefore has been issued by the city, a copy of which is to be available at the structure in which the dwelling unit(s) is located. There is no requirement for there to be a written lease or any evidence on monetary payment to establish a rental arrangement. A rental arrangement shall be presumed to exist when someone is residing in a residential structure who is not the owner of the property and someone with an ownership interest is also not residing in said structure at the same time.
3. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 305.3 Interior surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected. Window coverings not manufactured specifically as window treatments, including, but not limited to; fabric/material, sheets, blankets, paper, cardboard, plastic, aluminum, garbage bags, trellis, wood, wire, etc are prohibited.
4. 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 Branz ordered that the Respondent correct the violation on or before April 4, 2023. If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for April 13, 2023.

**Case # 23-000035      Owner: FIGGINS SCOT ALAN**  
**Location: 608 RIDGE BLVD , SOUTH DAYTONA FL 32119**

**VIOLATION(S):**

1. International Property Maintenance Code 302.4, Weeds  
Comments: GRASS MUST BE MOWED, EDGED, AND TRIMMED. BUSHES AND VEGETATION MUST BE TRIMMED BACK
2. International Property Maintenance Code 302.8, Motor vehicles  
Comments: VEHICLE MUST BE REGISTERED WITH A VALID TAG
3. City of South Daytona Code of Ordinances 4-47, Animal License  
Comments: ANIMALS ON PROPERTY MUST REGISTERED WITH THE CITY

**Status: Non-compliance**

**Findings of Fact, Conclusions of Law and Order**

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent, Scot Alan Figgins, was in attendance and provided testimony.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

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 302.4: Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.8, Motor Vehicles. Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

3. City of South Daytona, Code of Ordinances, Chapter 4, Animals and Fowl, Article II. Licenses, Division 2. Licenses to Keep Dogs and Cats. Sec. 4-47. Required. Any person owning, keeping, harboring or having custody of any dog or cat over six (6) months of age within this city must obtain a license as herein provided.

Special Master Branz ordered that the Respondent correct the violation on or before April 6, 2023. If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for April 13, 2023.

**VI. OLD BUSINESS:**

**Case # 23-000003      Owner: GASCON DAVID A**  
**Location: 2261 KENILWORTH , SOUTH DAYTONA FL 32119**

**VIOLATION(S):**

- 1.City of South Daytona Code of Ordinances 4-47, Animal License  
Comments: dog(s) on premises must be licensed by visiting the South Daytona Police Department to begin the process
- 2.International Property Maintenance Code 302.1, Sanitation  
Comments: PROPERTY SHOULD BE CLEAR OF JUNK, DEBRIS AND TRASH. EXTERIOR PROPERTY SHOULD REFLECT A NEAT AND FRESH APPEARANCE.

**Status: Request Order of Imposing Fine/Lien**

Josh McEnany, Code Compliance Manager presented that the case came on for public hearing before the Special Master on February 9, 2023, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated February 9, 2023, where the property was found in violation.

Respondent, David Gascon (2261 Kenilworth Avenue, South Daytona) was in attendance and provided testimony.

Josh McEnany, Code Compliance Manager requested a continuance to the April 13, 2023 hearing.

Special Master Branz agreed. Hearing will be April 13, 2023.

**Case # 23-000014      Owner: MCCUSKEY GEORGE H**  
**Location: 625 AURORA ST , SOUTH DAYTONA FL 32119**

**VIOLATION(S):**

1. VIOLATION: Section: International Property Maintenance Code 302.1, Sanitation  
Comments: EXTERIOR OF PROPERTY SHALL BE PAINTED AND CLEANED TO PRESENT A FRESH APPEARANCE.

**Status: Request Order of Imposing Fine/Lien**

Josh McEnany, Code Compliance Manager presented that the case came on for public hearing before the Special Master on February 9, 2023, pursuant to the Special Master's Order, titled Findings of

Facts, Conclusion of Law and Order, dated February 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 not in compliance by February 26, 2023. The property remains in violation of the following:

1. City of South Daytona, Code of Ordinances, Chapter 4, Animals and Fowl, Article II. Licenses, Division 2. Licenses to Keep Dogs and Cats. Sec. 4-47. Required. Any person owning, keeping, harboring or having custody of any dog or cat over six (6) months of age within this city must obtain a license as herein provided.
2. 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.

Requirement. No person may harbor a dog or cat six (6) months of age or older within the city limits that has not been spayed or neutered unless such person holds an unaltered animal permit for each unaltered dog or cat, unless the dog or cat is otherwise exempt under this section.

Special Master Branz said accordingly, a fine of \$100.00 per day for violations listed above shall be imposed. These fines shall begin February 27, 2023 and continue to accrue against the property until said property is brought into compliance.

**Case # 23-000018      Owner: PATEL SHAKUNTALA**  
**Location: 2033 ANASTASIA DR , SOUTH DAYTONA FL 32119**

**VIOLATION(S):**

1. City of South Daytona Code of Ordinances 16-11, Business Tax Receipt required  
Comments: OPERATING A BUSINESS WITHOUT A LICENSE

Josh McEnany, Code Compliance Manager explained the property was in compliance by January 27, 2023 and staff requests and Order of Compliance with no fine due.

Respondent was not in attendance.

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

**Case # 23-000019      Owner: MOUNT DOME APARTMENTS LLC**  
**Location: 2018 S. Ridgewood Avenue, South Daytona, FL 32119**

**VIOLATION(S):**

1. City of South Daytona Code of Ordinances 5-217 - The minimum standards for the maintenance of commercial properties (2) All parts of any building and/or structure

